

# **EVALUATION OF THE BATTERER'S EDUCATION SYSTEM AND PROCESS**

IOWA DEPARTMENT OF HUMAN RIGHTS  
DIVISION OF CRIMINAL AND JUVENILE JUSTICE PLANNING AND  
STATISTICAL ANALYSIS CENTER

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## INTRODUCTION

Iowa has been in the forefront in focusing attention on, and responding to, the problem of domestic violence. In 1979, the Iowa legislature enacted the first of many initiatives designed to aid and protect the domestic abuse victim while imposing meaningful sanctions on the offender. Included in this initial legislation was a provision permitting the court to order professional counseling for the offender. In 1991, legislation was enacted which appeared to focus more closely on the concept of corrective counseling when the creation of the batterer's treatment program for domestic abuse offenders was mandated. This legislation mandated that upon conviction for, or upon receiving a deferred sentence or deferred judgment in, a domestic abuse case, the court must order the defendant to participate in a batterer's treatment program. The legislation also mandated that DOC and, more specifically, the individual judicial district departments' of correctional services be responsible for the oversight of all such treatment programs. A subsequent review of the statute by the Iowa Supreme Court affirmed the mandatory treatment program participation requirement imposed by the statute. Today, the batterer's treatment program, or Batterer's Education Program (BEP) as it has become known, appears to be one of the cornerstones of Iowa's efforts to address domestic violence.

The goal of requiring participation in BEP is to modify the abuser's behavior by eliminating their use of controlling and abusive behavior in their relationship with their partners. Since its inception, the program has experienced tremendous growth in the number of clients. In the first year of the program, state fiscal year (SFY) 1991, the 11 BEPs in operation reported processing a total of 339 individual referrals. In SFY 1994, the 36 BEPs in operation recorded 2,749 individual referrals in the BEP database maintained by DOC. It is believed that the BEPs will continue to see growth in the number of clients, although it is not believed that the increase will be as dramatic as it has been in the past, if present responses to domestic violence remain substantially unchanged.

While BEP may be a key element in attempting to change the behavior of domestic abuse offenders, it does not operate in a vacuum. BEP operates as a peripheral entity to, and is dependent upon the criminal justice system as the primary source of program participants, and for the primary legal oversight of the participant's activities while enrolled in BEP. Given the environment in which BEP functions, it is believed that the policies and procedures of the criminal justice agencies such as law enforcement, county attorneys, the courts, the district department of correctional services, etc., have a significant impact on the eventual success or failure of the local BEPs. It is also believed that among the ninety-nine county attorneys, the many judges and magistrates of the district court and the hundreds of law enforcement agencies within the state, there exists a substantial number of variations in how domestic abuse cases are per-

ceived and processed. These variations are also believed to have a direct impact on the operations and effectiveness of the BEPs in the degree to which the criminal justice system supports, or fails to support, the concept of BEP through their actions, or lack of actions. The support, or lack thereof, is believed to effect the participation of individuals attending BEP and the successful or unsuccessful completion rates of BEP. It may also have an impact on the propensity of BEP participants to commit subsequent acts of domestic violence.

DOC, the judicial districts' department of correctional services and the BEPs themselves have attempted to meet the challenge of conducting an effective program of education and behavior modification in spite of rapidly increasing numbers of clients and resources which are not always sufficient to cover the actual cost of program operations. These organizations, believing that an integral part of any effective program is the evaluation component of that program, sought to have an evaluation of the BEP system conducted so as to identify possible ways of improving program efficacy. CJJP was approached to conduct the evaluation, and after discussions with all concerned, it was decided to undertake a multi-stage research and evaluation project to assess the effectiveness of Iowa's response to domestic violence. The first stage of the evaluation would be to describe and evaluate how BEP fits into the criminal justice system within the state. It would also seek to identify and describe commonalties or models within the system regarding the system responses to domestic abuse offenders and victims. Finally, the research would seek to describe the possible effects of the commonalties or models upon the eventual success or non-success of the BEP efforts to modify the behavior of the offender-client.

The second stage of the research sought to update and complete a portion of a database maintained by DOC which contains data regarding BEP participants, analyze that database to identify program variances regarding completion rates, identify certain characteristics of those individuals who successfully complete BEP and those who do not successfully complete BEP, analyze available data to identify recidivism rates among program participants, describe any differences in program outcomes based on the length of program and/or the type of agency providing the program, and correlate the program completion rate with the types of "system models" described in the first phase of the research effort.

## RESEARCH METHODOLOGY

### *Phase One*

CJJP utilized multiple methodologies in conducting this research including an analysis of existing laws as they related to BEP, analysis of BEP participation and completion data as maintained by DOC, a review of the standards formulated by DOC for the individual BEP programs, survey instruments, on-site record searches and interviews.

The first task undertaken was the analysis of existing laws relating to BEP, including both statutory and case law. From this analysis, a “Domestic Abuse Legal Model” was formulated which described the apparent manner in which the criminal justice system was designed to function in domestic abuse cases, based on the existing laws. Utilizing the legal model as a foundation, CJJP prepared a survey instrument which was forwarded to all BEP coordinators for completion. Assuming that the BEP coordinators were familiar with the manner in which domestic abuse incidents were processed in the individual counties where their respective programs operated, the survey sought to identify those counties where the domestic abuse processing procedures appeared to deviate from the legal model, and to quantify the degree of deviation. It was believed that the use of the survey instrument represented the most expeditious and cost efficient manner in which to collect this data. When the initial survey did not produce the desired level of information, with the assistance of DOC, a second survey instrument was developed and distributed to the BEP Coordinators. The combined results of the two surveys produced sufficient information to proceed with the research effort.

After the data from the BEP coordinators were analyzed, the data were used as a basis to select counties for further study. The counties were divided into four groups according to population, and from each group, three counties were chosen for on-site visits based on not being served by a BEP or showing the higher degrees of deviation from the legal model. During the visits to the selected counties, project staff examined the records of the district court, and from those records extracted data regarding domestic abuse and certain other cases. Domestic abuse cases were reviewed for initial charges, gender of the offender, any reduction of the initial charges made, and by whom, the disposition of the case, and in the event of a conviction, the sanctions imposed by the court. Other cases such as disorderly conduct, public intoxication, non-domestic abuse assault, harassment, etc. were reviewed in an attempt to determine if these cases involved instances of domestic abuse where non-domestic abuse charges were filed, and by whom. Pro se domestic abuse filings were also examined to determine the extent to which these cases resulted in the alleged offender being

ordered to participated in BEP. The data were then formulated into a database and subjected to various quantitative and qualitative analyses.

Project staff also interviewed criminal justice officials such as the county attorney, or the assistant who prosecuted the majority of the domestic abuse cases, law enforcement administrators and judges to determine their policies regarding the arrest, charging, prosecution and sentencing of domestic abuse related cases. Staff also determined at what point in the arrest, prosecution and adjudication continuum offenders were referred to BEP for each location examined.

Project staff also undertook analyses of the BEP participant database maintained by DOC. It was believed that from this database, quantitative data could be obtained relative to some of the pertinent research questions such as the sources of referral to BEP, the demographics of successful and unsuccessful BEP participants, the sanctions imposed by the courts in conjunction with BEP, the criminal justice system responses to unsuccessful BEP completion, etc. During the course of conducting the analyses, it was found that the database was incomplete to a degree that would preclude its use for meaningful data analysis. CJJP staff did assist DOC in attempting to obtain and enter the missing data for the SFY 1994 data. This joint effort yielded much of the missing data, and the SFY 1994 data was subsequently utilized in phase two of this research effort.

Research staff also examined the certification standards for the BEPs as formulated by DOC. Some of the results of this review will be discussed later in this report.

## ***Phase Two***

Phase two of the research project concentrated on compiling and analyzing data contained in the DOC computerized BEP database, the computerized criminal history (CCH) records maintained by the Iowa Department of Public Safety, and the court records maintained by the various clerks of the Iowa District Court. Additional efforts were put forth by both the project staff and DOC to obtain data missing from the BEP database for SFY 1994 and otherwise “clean-up” the data to facilitate its use in this and future research efforts.

Analyses of the BEP database were conducted to identify certain characteristics of offenders involved with BEP, and to determine BEP completion rates. This same information, together with the data collected from CCH and court records, was used in assessing the extent to which BEP participants are charged with domestic assault following their involvement with the program. Additional information about the methodologies used to assess BEP completion and recidivism rates is provided in those sections of this report devoted to those topics.



# **BEP AND IOWA'S DOMESTIC ABUSE POLICES AND PRACTICES**

## ***THE ROLE OF DOC IN DOMESTIC ABUSE CASES***

### **Oversight of BEPs**

The 1991 legislation which mandated the creation of the batterer's treatment programs placed the responsibility for each program with the judicial district department of correctional services in which the program was located. The law permitted each judicial district to either conduct the individual BEPs, or to contract for services in providing the programs, with both approaches currently being utilized. So as to assure some degree of standardization among the programs, DOC central office established a statewide steering committee to oversee the operation of the programs. This committee, in conjunction with the DOC central office, developed a set of standards for the individual BEPs to meet. The standards appear to be general in nature, as reflected in standard 1.6 which states "State standards should reflect the fact that communities and correctional institutions have unique environments, problems and resources within the State of Iowa." The standard also states that "State standards shall allow each judicial district to address their special needs."

While this standard appears to acknowledge a valid point in recognizing local uniqueness, it could be suggested that in certain areas, the standards are too general or non-existent, and the resultant differences in the BEPs may be too great in terms of maintaining a reasonable degree of uniformity between the programs, and possibly some degree of efficacy. One such area might be in the termination of program participants for cause. Data provided by BEP coordinators indicate some programs terminate a client for any one or more of a substantial number of specific reasons; other programs indicate that they terminate clients for only a few specific reasons and one program indicates that they do not terminate any client "until we have given up on them or they die." These variances tend to indicate a lack of clear, uniform standards in one of the most basic types of program rules; those courses of action by a client which will result in removal from the program.

Another basic area of program administration in which a lack of consistency appears to occur is the procedure followed when a client is terminated from a BEP. In most programs, the termination is reported to the criminal justice system so that the county attorney and/or the court can make a determination as to the proper course of action to be followed in response to the failure to follow the prescribed rules and successfully complete BEP. In at least one program, however, it appears that a client is "formally" terminated by the BEP officials without any offender-specific notice to, or review by, the court or county attorney. Offenders are afforded at least one opportunity by the BEP to re-start the program.

Also, in this scenario, it appears that no additional sanctions are imposed for the offenders' actions that led to the termination other than those imposed by the BEP, which usually are the loss of credit for classes attended and fees paid. The use of such a procedure could be perceived as the BEP exercising decision-making and sanctioning authority which might more appropriately rest elsewhere within the criminal justice system.

Lack of consistency also appears to carry over into other basic tenets of program operations. Just as the courts appear to have a wide divergence of opinion on the proper response to the failure to successfully complete BEP, it appears that the same degree of divergence of opinion exists within DOC and the individual BEPs. In some BEPs, it appears to be the belief that clients should continue to be ordered to participate in BEP, no matter how many times they are terminated from the program for cause, until such time as the program is successfully completed. In other BEPs, it appears to be the belief that after one or two attempts to successfully complete the program, the courts should not return the client to BEP again, or the BEP should not be required to accept the client again. While it is believed that recognizing local uniqueness in establishing program standards is appropriate, it is also believed there may be benefit in establishing certain basic rules statewide, i.e., specific reasons for program termination, the procedure to be followed after termination, the number of attempts a client will be allowed to successfully complete the program, etc., to insure some degree of uniformity between the programs, and to increase the public awareness of, and confidence in, BEP program activities.

Data obtained through the course of the study also raised a possible question of program efficacy in terms of area and population served versus program staff size. It was noted that one contract program served nine counties, including one of the seven most populous in the state. This would require the coordinator to effectively interact with nine different criminal justice systems as well as to oversee the operations of the BEP itself. The contractor providing BEP in this area has staffed the coordinator's position with one employee working in a part-time status, which would appear to place demands on that individual which might not reasonably be expected to be fulfilled. While one of the purposes of the standards is "To establish a minimum level of responsibilities and services expected from the service providers ...", it might be suggested that DOC consider expanding that standard to include maximum service areas and minimum staffing levels which each program must meet in order to insure a reasonable degree of consistency, if not quality, in the services that are delivered.

### **Collection of BEP Data**

Each individual BEP collects data relative to their clients. The data items collected tend to portray certain characteristics of the individual BEP clients, the sources of referral to BEP, the number of clients completing BEP either suc-

cessfully or unsuccessfully, and, in the event of returning the client to court for failing to successfully complete BEP, the court's response to that failure and other pertinent data. Once collected, the data are forwarded to DOC central office where they are compiled into an automated database, and then made available for analysis by DOC and other agencies. As part of this study, CJJP staff attempted to utilize the BEP database to identify certain characteristics of offenders, primary sources of referral to BEP and other data. Based on information provided by the eight judicial districts, it was found that the BEP database had only approximately 63% of the SFY 1994 clients entered into the database, and that some of the existing data were incorrect. Since this database has the potential for being a valuable research resource, DOC through the course of this examination, has been reviewing its data collection procedures and increasing the accuracy and completeness of this database.

With the assistance of CJJP, a new data collection instrument has been designed and placed into use by DOC. Along with the new instrument, detailed instructions on data instrument completion were issued, as well as a list of definitions for many of the terms used on the data collection instrument. In working with a number of the BEPs, it was discerned that there appeared to be a lack of understanding on the proper method of completing the data collection instrument and the meaning of some of the terms used in the instrument. It is hoped that the new instrument, instructions and definitions will assist in increasing the accuracy and completeness of the BEP database as well as increasing the usefulness of the database through the collection of additional data items. DOC is also currently undertaking the automation of the BEP data collection instruments so as to facilitate the collection of BEP data and the transmission of the data to DOC central office.

### ***THE DOMESTIC ABUSE LEGAL MODEL***

From the review of existing statutory and case law, staff concluded that the law can be interpreted as implying that law enforcement will normally investigate allegations of domestic abuse, and mandates, based on the results of the investigation, that an arrest be made in all founded domestic abuse cases, other than those involving a simple (no injury) assault, should all of the legally defined elements of a domestic abuse offense be present. The individual arrested should be the primary physical aggressor (PPA) regardless of sex. Discretionary arrests may be made in domestic abuse simple assault cases, and in those cases where the non-primary physical aggressor used a weapon, or caused, or intended to cause, bodily injury to the PPA. If an arrest is made, the offender cannot be released before making an appearance before a magistrate. If, during the course of this hearing the magistrate finds probable cause to believe that a domestic abuse offense has taken place, and that the continued presence of the alleged offender in the victim's residence poses a threat to the safety of the victim, the magistrate will enter a court order prohibiting the offender from having

contact with the victim and to refrain from harassing the victim or victim's relatives.

The law can also be interpreted as implying prosecution by the county attorney for a domestic abuse offense when the elements of such an offense are present, and implying a prosecution for enhanced domestic abuse charges if the offender has previously been convicted of, or received a deferred judgment or sentence in, a domestic abuse offense within the preceding six years.

The law indicates that in a domestic abuse case, as with most questions of law, a determination of the facts shall be made by the Iowa District Court. In a criminal proceeding, the role of the court is to determine the guilt or innocence of the defendant, and if found guilty, to impose appropriate sanctions. The Iowa Supreme Court has upheld the provisions of the law which mandate that upon conviction for a domestic abuse offense, the offender must be sentenced to a jail term of at least two days, which cannot be suspended, and participation in BEP. The court also upheld the legal provisions which permit a one-time only deferred judgment or deferred sentence in a domestic abuse case, but if invoked, mandates the offender's participation in BEP.

Iowa law also provides for a pro se civil process specifically designed for individuals seeking protection from domestic abuse who do not seek the intervention of the criminal justice system. Through this process, the domestic abuse victim, without the assistance of law enforcement, the county attorney or a private attorney, can petition the court directly for protection in the form of no-contact and other appropriate court orders. While this process normally does not result in the offender being arrested or facing criminal charges, it can result in the offender's referral to a BEP. Further, the dissolution statutes also provide for the issuance of court orders to protect domestic abuse victims who are undergoing a divorce. As with the pro se process, dissolution proceedings normally do not result in the offender's arrest, but may result in the offender's referral to a BEP.

### ***CRIMINAL JUSTICE AGENCIES AND OFFICIALS IMPACTING BEPS***

Based on the analysis of Iowa law, it appears that there are four primary criminal justice agencies or officials whose policies and actions most directly impact the BEP process. The first is law enforcement, who normally investigates allegations of domestic abuse reported to them, and who, based on the results of that investigation, may take the alleged offender into custody and may, depending on the case processing procedures in effect in the county where the arrest took place, determine the initial charges to be filed. The second is the county attorney who is responsible for the prosecution of the alleged offender, including the determination of the specific criminal charges for which the offender is to be prosecuted. The third is the court which conducts the initial appearance of the defendant, determines the defendant's guilt or innocence, and if found guilty,

imposes what are deemed appropriate sanctions. The final agency is the BEP itself, which appears to be responsible for tracking the client's progress through the program, and if the program is not successfully completed, returning the client to the criminal justice system for appropriate action. It was within the policies and procedures of these four agencies and officials that staff sought to identify any deviations from the legal model, and to determine the impact of these deviations on the BEPs.

### ***DEVIATIONS FROM THE LEGAL MODEL***

In order to identify deviations from the legal model and to select counties for on-site visits, staff formulated a database from the questionnaire responses submitted by the BEP coordinators relative to the criminal justice operations in the counties served by the BEP. The database contained sixteen variables which were designed to measure the degree of deviation on each variable from the domestic abuse legal model. Counties showing the highest degree of deviation were chosen for on-site visits in that they were believed to most readily display the possible impact of the deviation on the BEP. In reviewing the research findings, it should be remembered that the design of the research was to identify as many deviations from the legal model as possible and to assess their possible impact on BEP. As such, the findings are not meant to be representative of the policies and procedures of criminal justice officials throughout the state.

### ***LAW ENFORCEMENT RESPONSES TO DOMESTIC ABUSE***

By defining domestic abuse as a criminal offense, it appears that the Iowa legislature intended law enforcement to investigate domestic abuse incidents just as they investigate other crimes. While the law does provide alternative avenues of seeking relief from domestic abuse through the pro se civil and marriage dissolution processes, data tends to indicate that the majority of domestic abuse cases come before the courts through the criminal justice system. As the primary intake agent for the system, law enforcement investigates most alleged domestic abuse incidents, and is mandated by law to make arrests in most cases where domestic abuse was found to have occurred.

The first responsibility of law enforcement in response to an allegation of domestic abuse appears to be that of determining through an investigative process whether or not a domestic abuse offense had occurred. If such an offense was found to have occurred, the second responsibility of law enforcement appears to be that of determining which of the parties involved was the primary physical aggressor (PPA). If the domestic abuse victim had incurred injuries as a result of the offense, or if a weapon was used in the commission of the offense, law enforcement would then be required to cause the arrest of the PPA, charging a violation of the domestic abuse statutes.

Based on the opinions obtained from the questionnaires completed by the BEP coordinators, it appeared that in some instances law enforcement deviated from the legal model by not making domestic abuse arrests when it appeared that such arrests were warranted. Analysis of the opinions presented indicated four different law enforcement response models to a domestic abuse incident. They were:

- ◆ The “legal model” wherein law enforcement appears to act in apparent accordance with the law when responding to a domestic abuse incident.
- ◆ The “non-arrest model” wherein law enforcement appears to systematically fail to effect an arrest in a domestic abuse incident.
- ◆ The “dual arrest model” wherein law enforcement appears not to apply the PPA concept and instead arrests all parties involved in the domestic abuse incident.
- ◆ The “reduced charges model” wherein law enforcement would make arrests in a domestic abuse incident, but then file non-domestic abuse charges against the arrestee.

Based on the information collected from the BEP coordinators, CJJP staff selected several counties for on-site visits to assess the extent to which these models did exist, and to discover if any other law enforcement response models existed but had not been reported. During the visits, questions were posed to various criminal justice system officials relative to the manner in which law enforcement responded to domestic abuse incidents.

### **Making Arrests**

CJJP staff were unable to document any existence of the “non-arrest model” nor its implied systematic avoidance of arrests in domestic abuse incidents by law enforcement. Staff were able to document cases where, if the offender was not present at the time law enforcement investigated the incident, an arrest warrant was later obtained for the offender. Questionnaire responses indicated that in some counties, county attorney approval had to be obtained by law enforcement before making a domestic abuse arrest. While such a policy appears to be permissible in that the Iowa Code does not appear to require the immediate arrest of a domestic abuse offender, and the consultation with the county attorney could be considered part of the investigative process, such a policy could result in the offender not being arrested if the county attorney were not immediately available to approve the arrest and charging, and the offender fleeing the jurisdiction before an arrest could be made after the charges were approved. It is also believed that where such a procedure is employed, the lack of an immediate arrest could be construed by the offender, the victim and the general public

as a failure to arrest by law enforcement when an arrest is mandated by law. Further, the failure to arrest could place the victim in further jeopardy of injury after law enforcement has left the scene.

### **Identifying the PPA**

Staff were also unable to document any existence of the “dual arrest model” wherein law enforcement consistently arrested both parties involved in a domestic abuse incident as opposed to only arresting the PPA. Analysis of data from 838 arrests documented by CJJP staff revealed only 4.2% to involve the arrest of both parties involved in a domestic abuse incident. While the data did indicate that in one county, 11% of the domestic abuse incidents where an arrest was made involved both individuals being arrested, analysis of the court dispositions of those cases indicated that the court found sufficient evidence to either convict both defendants or impose a deferred judgment in 94% of the cases, thus indicating the arrests were justified. Given the dynamics of a domestic abuse incident and the laws governing domestic abuse arrests, while some of the dual arrests may have been inappropriate, on the whole, law enforcement arrest practices appeared to comply with the PPA concept in the sites visited. Further analysis of the arrest data indicated that 9.4% of the arrested individuals were female, which tends to correlate with the BEP postulation that the majority of domestic abuse offenders are male, and tends to further indicate that law enforcement, as a whole, appears to comply with the PPA arrest provisions of the law.

### **Charging the Offender/s**

Subsequent to the arrest of any offender, law enforcement will normally determine the initial charges to be filed. By analyzing the law enforcement charging patterns, staff was able to confirm the existence of the “reduced charges model”. Questionnaire information indicated that in several counties, the charges filed against the offender would most likely not be domestic abuse based even though all of the elements of such offense appeared to be present. A review of the court documents in several of these counties confirmed many instances where it appeared such inappropriate charging took place. In one case, the court records indicated that the offender, who co-habited with the victim, ripped a portion of the victim’s clothing from her body, dragged her down stairs, repeatedly slammed her head against the floor and struck her and kicked her, thereby causing injuries to the victim. The offender, who had a previous history of assaulting females, was charged with a municipal ordinance violation of assault by the investigating law enforcement officer. In another case, a male assaulted a female that he had lived with for two years by striking her in the face and choking her, thereby causing her injuries. He was charged with non-domestic abuse assault. In the twelve counties visited, staff were able to document what could have been inappropriate charging by law enforcement in 11.7% of the court

cases documented in that non-domestic abuse charges were filed in what appeared to have been domestic abuse incidents.

It is believed that avoidance of domestic assault charging by law enforcement occurs for at least three different reasons. The first is that law enforcement personnel are uninformed or misinformed regarding the domestic abuse provisions of the law. The second reason is that law enforcement personnel fail to conduct a complete investigation of a domestic abuse incident. The third reason is that law enforcement personnel are acting, directly or indirectly, in response to informal policies of their superiors, the county attorney or the court. While staff was unable to document any instances where formal or written policies directed law enforcement to file non-domestic abuse charges against domestic abuse offenders, staff was able to document instances where, for example, a county attorney routinely prosecuted domestic abuse offenders on non-domestic abuse charges. In some of these counties, court records indicate that law enforcement would routinely file non-domestic abuse charges in domestic abuse cases, perhaps in response to the county attorney's policy.

### **Other Law Enforcement Practices**

In some of the jurisdictions where the actions of law enforcement were thought to deviate from the legal model, it was found that officers conducted what could be termed as incomplete domestic abuse investigations. In its publication "PROSECUTION OF DOMESTIC VIOLENCE IN IOWA, A Prosecution Manual", the Prosecuting Attorney's Training Coordinator Council devotes one chapter to the investigation of domestic abuse incidents by law enforcement personnel, covering subjects such as taking and recording statements, photographing the crime scene, recording the victim's injuries, obtaining medical releases, etc. The most direct effect of an incomplete investigation was most often found if the victim later recanted their version of the facts as given immediately after the incident and/or refused further cooperation with the prosecution. Without a complete investigation, the county attorney would most likely lack sufficient evidence to continue the prosecution, the charges would most likely be dismissed and the offender would most likely avoid BEP participation.

### ***IMPACT OF LAW ENFORCEMENT ON BEP***

When law enforcement follows the "legal model" in the BEP process, they will respond when summoned to the scene of a domestic abuse incident; conduct a complete investigation of the incident, to include verifying that an incident of domestic abuse has occurred and identifying the PPA, if one exists; arrest the PPA, in most instances; and file the proper domestic abuse charges based on the facts of the incident and the domestic abuse history of the offender. Law enforcement actions in accordance with the "legal model" also tend to send a clear



message to domestic abuse offenders and the general public that domestic abuse is considered a serious crime that will not be tolerated in that jurisdiction.

There are several possible undesirable consequences which can stem from law enforcement's failure to adhere to the "legal model" by failing to conduct complete domestic abuse investigations, failing to make appropriate arrests in domestic abuse incidents or the filing of inappropriate charges in domestic abuse cases. Perhaps the most serious consequences occur when law enforcement systematically avoids making arrests in domestic abuse incidents. First, domestic abuse offenders avoid being held accountable for their actions as the law intends. The failure to make an arrest could be interpreted by the offender as a tacit approval by law enforcement, the community and possibly the entire criminal justice system, of the battering behavior in that there are no apparent legal ramifications as a result of the illegal behavior and the battering behavior could continue unabated with the inflicting of additional harm on the victim. A second consequence is that the offender most likely will not participate in BEP as a result of his battering and not receive a course of education designed to extinguish the battering behavior. A third consequence could be to undermine any assessment of a BEP program's impact on a community's domestic violence in that any question regarding how much impact BEP has on domestic violence can't be fully answered if a sizable portion of the community's domestic violence perpetrators are never enrolled in a BEP.

Inappropriate arrests made by law enforcement carry much the same connotations. When both parties are arrested inappropriately, or when the female is arrested inappropriately, such arrests could be construed as an indication by law enforcement that the victim is as much to blame as the offender for the injuries she has sustained. Such a belief may reinforce the abusive behavior of the offender, contribute to its continuation or escalation and have a significant impact on the offender's benefiting from a BEP intervention.

If law enforcement fails to conduct a thorough investigation, the chances of convicting the domestic abuse offender most likely will be reduced or even eliminated, given the propensity of some victims of domestic violence to later request that the charges against the offender be dropped. Since court data and information supplied by the BEPs indicate that the vast majority of BEP clients enter the program as a result of criminal court action, the lack of proper action by law enforcement will most likely result in a reduced probability that the offender will participate in BEP, thereby reducing the probability of the offender's behavior being modified to reduce or eliminate domestic violence. A lack of diligent pursuit of domestic abuse case can also send a signal to the offender and the general public that law enforcement, one of the most visible components of the criminal justice system, does not consider domestic abuse to be serious enough to warrant the commitment of appropriate resources. Again, such a perspective may reinforce the notion that battering behavior is acceptable, if not appropriate,

perpetuate the domestic violence cycle and impact a BEP client's participation in the program in a negative manner.

### ***COUNTY ATTORNEY RESPONSES TO DOMESTIC VIOLENCE***

Of all the criminal justice agencies and personnel, none appears to influence the BEP process more than the county attorney. As the chief law enforcement officer in the county, the county attorney has a direct influence on the importance that law enforcement personnel attach to certain types of crimes, including domestic abuse, how the crimes are to be investigated and what action is to be taken if a crime is found to have occurred. As the prosecutor, the county attorney decides whether or not to prosecute any given case, the actual charges on which the offender is to be prosecuted, whether to not to enter into a plea bargain in the case, whether or not to reduce charges and, if a conviction is obtained, what sanctions are to be recommended to the court for imposition. As specifically relates to BEP, the county attorney makes the decision as to whether to prosecute an offender on domestic abuse or non-domestic abuse charges, whether or not to reduce domestic abuse charges to non-domestic abuse charges and whether to continue a domestic abuse prosecution should the victim become reluctant. In the case of an offender's failure to successfully complete BEP, the county attorney typically makes the decision whether or not to pursue the prosecution of the offender and, if pursued, what sanctions to recommend the court impose for the unsuccessful completion. It would appear that the county attorney has the greatest potential to effect the BEP process, and the eventual outcome of BEP, either in a positive or negative manner.

Information obtained from the BEP coordinators and from the on-site visits tend to indicate the existence of two primary county attorney response models to domestic violence. They are:

- ◆ The “legal model” wherein the county attorney appears to act in accordance with the expressed and implied provisions of the law.
- ◆ The “discretionary model” wherein the county attorney exercises their discretionary authority to process domestic abuse cases in a manner that could be viewed as differing from the expressed and implied intent of the domestic abuse laws.

Within the discretionary model, different variations of discretionary practices appeared to be utilized. Four of the most often reported were:

- Charge Reduction Variation - In this use of discretionary authority, the county attorney appears to reduce almost all domestic abuse charges filed by law enforcement to non-domestic abuse charges.

- Non-Domestic Abuse Filing Variation - In this variation, the county attorney appears to use his/her discretion to determine the formal charges filed before the court by filing non-domestic charges in almost all cases of apparently verified domestic abuse.
- Plea Bargain - Charge Reduction Variation - In this variation, the county attorney appears to use discretionary authority to reduce almost all domestic abuse charges to non-domestic abuse charges in return for a plea of guilty by the offender.
- Termination of Prosecution Variation - In this variation, the county attorney appears to terminate the prosecution of all domestic abuse cases when the victim indicates the desire to have the prosecution ended or refuses to cooperate in the prosecution.

Prosecutorial discretion is a long-held and valid criminal justice concept. However, its impact on the implementation of other criminal justice policies (i.e. domestic abuse) was found to perhaps have unintended consequences when applied to almost all cases of a certain type (i.e. domestic abuse) rather than on a case by case basis. While the variations within the discretionary model are different, it appears that all have the net effect of removing domestic abuse offenders from the BEP process, and thereby abridging the legislatively mandated requirements that domestic abuse offenders be incarcerated for their crime and undergo an educational process designed to change their abusive behavior.

Questionnaire responses from the BEP coordinators indicated that most county attorneys adhered primarily to the legal model when prosecuting domestic abuse cases. Project staff utilized the on-site visits to attempt to ascertain why other county attorneys apparently chose to primarily employ the discretionary model in their prosecution of domestic abuse cases. During these interviews it was found that in each instance, the county attorney had made a clear policy decision to rely heavily on the discretionary model in their prosecution of domestic abuse cases.

Several different perspectives, as voiced by the county attorneys, surfaced during the course of the site visits and resulting interviews. Among them were the belief that domestic abuse was a social problem that could not, and should not, be addressed within the framework of the criminal justice system; the belief that the “domestic abuse legal model” did not represent the appropriate manner to handle domestic abuse cases; the belief that their discretionary domestic abuse prosecution policies were proper and correct, and that if the voters did not approve, they could vote the county attorney out of office; and the belief that the statutory requirements placed an undue financial burden on the courts in that because of the mandatory jail requirement, defense attorneys had to be provided by the court for all defendants. No matter what the individual perspective, it ap-

peared that each county attorney utilizing the discretionary model that was interviewed understood that their policy decisions would most likely lead to an offender avoiding the domestic abuse sanctions apparently intended by the law.

The county attorneys utilizing the termination of prosecution variation appeared to indicate two primary reasons for its use. The "PROSECUTION OF DOMESTIC VIOLENCE IN IOWA, A Prosecution Manual" published by the Prosecuting Attorney's Training Coordinator Council was intended to serve, as its name suggests, as a manual for prosecuting domestic abuse cases. The manual indicates that "Three approaches to allowing victim input have developed nationwide. First, the domestic abuse victim's wishes regarding case filing and proceeding are given absolute weight. Second, the prosecutor gives no weight to the victim's wishes. Many offices following this second approach adopt "no drop" policies; if a case is supported by competent evidence (with or without the victim's testimony), prosecution proceeds. The third option, one in which the victim's wishes are considered along with other factors in the case, is recommended." In some instances, the county attorneys indicated that they believed in the first prosecution option, giving absolute weight to the victim's wishes. In other instances, it was indicated that law enforcement failed to provide the competent evidence necessary to continue the prosecution should the victim fail to cooperate. (As previously noted, one full chapter in the manual is dedicated to the methodology that law enforcement should ideally employ in investigating domestic abuse cases and several county attorneys reported working with law enforcement to improve the quality of their investigations.)

Information provided by county attorneys and law enforcement indicated that in a large percentage of the domestic abuse cases where arrests were made and charges filed, the victim will express a desire to have the case dropped within two weeks after the incident. It would thus appear appropriate for the county attorney to formulate a formal or informal policy as to which of the prosecution options to follow. Court data suggests that in a substantial number of the counties visited, the county attorney has adopted the policy of giving absolute weight to the victim's request, apparently automatically dismissing the charges should the victim so request. In the twelve counties visited, the data obtained indicate an average of 37.8% of the domestic abuse cases were eventually dismissed, apparently with the consent of the county attorney. In five of the counties, the dismissal rate exceeded 42.1%, with two of these five counties exceeding a dismissal rate of 62.0%. This compares with a dismissal rate of 32.2% for all crimes against a person as reported by the clerks of the district court during state fiscal year (SFY) 1993.

It should also be noted that the number of domestic abuse charges that were reduced to lower levels or reduced to non-domestic abuse charges were examined along with the conviction rates for domestic abuse incidents. Statewide data indicate that in 21.6% of all crimes against persons adjudicated during SFY 1993

which resulted in a conviction, the original charge had been reduced, presumably with the consent of the county attorney. In the counties visited during this research, it was found that 38.1% of the convictions in a domestic abuse incident were for reduced charges, almost double the reduction rate of all crimes against persons. A similar finding was made when the conviction rates were examined. The statewide conviction rates for all crimes against persons in SFY 1993 was 65.4%. The conviction rate for the domestic abuse incidents examined was found to be substantially lower with only 51.9% of the defendants being convicted of any charge, and only 32.6% of the defendants being convicted of a domestic abuse based charge.

It would appear that in those counties where the county attorney discretionary model is heavily relied upon, a large number of domestic abuse offenders may be removed from the BEP process before BEP can be invoked. This greatly reduces the probability that the abusive behavior of these offenders will be modified and may increase the probability that their victim will continue to incur mistreatment as a result of the continued abusive behavior. Further, "excessive" use of the discretionary model in prosecuting domestic abuse cases could be construed by offenders and the general public as minimizing or reducing the seriousness of domestic violence by the county attorney in that the offender tends not to be held accountable via the sanctions prescribed by the law for such a crime. It could also impact BEP participants by sending a message that domestic abuse, and the BEP itself, are not considered to be as important as the law indicates.

### **County Attorney Responses to Failure to Successfully Complete BEP**

For those individuals who are ordered to BEP and who are resistant, non-cooperative, etc., and do not successfully complete the program, the county attorney appears to play a pivotal role in determining what, if any, sanctions or other reactions, will be imposed. In those counties for which BEP coordinators provided information, it was reported that in 63% of the counties, failure to successfully complete BEP was primarily reported to the county attorney. It appears that the normal procedure for such cases would be for the county attorney to initiate a course of action that would culminate with the offender being brought before the court to explain why they failed to successfully complete BEP. The questionnaires also reported that in 62% of those counties reporting, the county attorney recommended what sanctions the court should apply in such cases. While no data are available as to what sanctions were recommended by the county attorney, it is believed that in most instances, the court will impose a sentence consistent with those recommendations. The questionnaires indicate that in 25% of the counties for which information was supplied, the sanction imposed by the court for failure to successfully complete BEP did not involve a return to BEP. In fact, the questionnaires indicated a wide range of sanctions such as imposition of a jail sentence, imposition of a fine, return to BEP, etc., and

combinations of those sanctions, were imposed by the court, presumably upon the recommendation of the county attorney, for failure to successfully complete BEP. This wide range of sanctions tends to indicate debate among the county attorneys as to what the proper response to failure to successfully complete BEP should be. In this area, this difference of opinion may be a proper area for the county attorney to utilize discretion as no specific sanction is required by law for failure to successfully complete BEP. In formulating their recommendations, the county attorney might take into account the fact that recommending sanctions not involving a return to BEP will likely result in offenders who need to change their abusive behavior not receiving effective education about their behavior in a setting meant to challenge and confront their attitudes and beliefs that may include a strongly ingrained rejection of personal responsibility. In other words, while imposing punishment as a response to non-participation in BEP may be needed, punishment alone (probation revocation without further participation in BEP or BEP-type sanctions) may easily be interpreted by the offender as “yet another time when someone else (victim, system officials, etc.) is responsible for their situation” - it is still not considered a problem for which they are responsible.

The task of establishing the effectiveness of the sanctions, or combinations of sanctions, imposed for the failure to successfully complete BEP goes beyond the scope and resources of this research, but is a question that appears to warrant future research.

### ***THE COURT’S RESPONSE TO DOMESTIC VIOLENCE***

Iowa law charges the Iowa Supreme Court with the responsibility of the supervision and administration of the unified Iowa District Court system, all judicial officers and all court employees. In 1993, the Chief Justice of the Iowa Supreme Court established the Supreme Court Task Force on Court’s and Communities’ Response to Domestic Abuse. This task force was charged to investigate how the court system currently responds to domestic abuse cases; examine ways in which the court, in concert with other community resources, could respond to the widespread and growing problem of domestic abuse; make recommendations for improving judicial access and treatment of domestic abuse cases while efficiently and fairly administering caseloads; propose possible legislative reform and propose a statewide plan for the implementation of the recommendations and findings. The Supreme Court, implementing one of the task force recommendations, established the position of Domestic Abuse Coordinator within the State Court Administrator’s Office. The role of the coordinator, as per the task force recommendation, is to “engage justice system personnel, as well as persons from existing public and private agencies, to find more efficient and effective ways to handle these cases” and to “provide guidance, information, and technical expertise to integrate the diverse groups and coalitions which work with domestic abuse”. Other task force recommendations have been imple-

mented, and others appear to be in the implementation process. Based on the establishment of the task force, the creation of the coordinator's position, the encouragement of judges to participate in the local domestic violence coalitions and the past and imminent implementation of other task force recommendations, it appears the Supreme Court envisions a pro-active role for the court system in combating domestic violence.

### **Civil Court Referrals to BEP**

In 1991, the legislature expanded the ability of a domestic abuse victim to obtain court ordered protection through a pro se judicial process. Through this process, a domestic abuse victim can petition the court directly for no-contact and other orders designed to immediately protect them from further domestic abuse without the intervention of law enforcement, a private attorney or the county attorney. This form of protection was in addition to the long standing remedies available to domestic abuse victims in the marriage dissolution statutes. Data provided to the Supreme Court Task Force by the Judicial Department estimated that in SFY 1990 there were 188 pro se cases filed. By SFY 1994, this had increased to an estimated caseload of 4,626. Data maintained by DOC indicate, however, that this momentous increase had virtually no effect on BEP enrollment in that very few individuals came to BEP as the result of a civil court order. While DOC data is incomplete, it suggests that in the known sources of referral, only about 1 out of 200 clients come to BEP as a result of a civil court order. It would thus appear that the Civil Division of the Iowa District Court has little impact on the population size of the BEPs, and oversees the progress of very few offenders through the BEP process. The data would also tend to indicate that the civil courts, in the absence of a mandate from the Iowa Code, make extremely limited use of BEP, even in those cases where they have found probable cause to believe that a domestic assault has occurred.

### **Criminal Court Oversight of Domestic Abuse Cases**

Recent legislation mandates the early intervention of the criminal court in domestic abuse cases. An offender who is arrested on a domestic abuse charge may not be released from custody until they have made an initial appearance before the court. At this hearing, the court has the responsibility to determine if probable cause exists to believe that the offender did commit a domestic abuse offense. If probable cause is found, the court has the authority to enter various orders, including no contact orders. The law also provides for a mandatory seven day jail sentence for violating a domestic abuse based no contact order.

Data suggests that the majority of domestic abuse cases come before the Criminal Division of the Iowa District Court. While there has been a dramatic increase in the number of pro se civil domestic abuse filings, the data tends to indicate that the criminal cases involving domestic abuse still outnumber those filed in

civil court. DOC data, while incomplete, suggests that the majority of BEP referrals come from the criminal division of the court in that of the known BEP referrals, approximately 9 out of every 10 clients come to BEP by direct action of the criminal court as opposed to the 1 out of every 200 referred by the civil court.

The final disposition of most domestic abuse cases in the criminal courts appear to be the result of a guilty plea by the defendant, with very few trials actually taking place. In this setting, the responsibilities of the court include insuring that the guilty plea is being entered voluntarily, insuring that the defendant actually committed the offense, accepting a properly entered guilty plea, with the inherent approval of the plea bargain if one has been made, and if a finding of guilty is entered into the record, ordering sanction(s) deemed appropriate by the court under existing law. The court also has the option of entering a deferred judgment or a deferred sentence in the case, which would also require that some form of appropriate sanction be imposed, usually probation.

Based on the data obtained from the BEP questionnaires as well as the on-site visits, it appears that in most counties, the criminal courts adhere to models very similar to those followed by the county attorneys. The models found most often were:

- ◆ The “legal model” wherein the court appeared to act in accordance with the expressed and implied provisions of the domestic abuse laws.
- ◆ The “discretionary model” wherein the court exercised its discretionary powers to process domestic abuse cases in a manner that could be viewed as differing from the expressed and implied intent of the domestic abuse laws.

Based on data obtained from the BEP questionnaires and the on-site visits, it appears that the majority of criminal courts in the state adhere to the legal model. The on-site visits, however, did disclose some criminal courts which appeared to adhere to the discretionary model. Within the discretionary model, three primary variations were found. They were:

- The “No Jail Variation” wherein the court did not sentence an individual convicted of a domestic abuse offense to a minimum jail term as specified in the law for the level of offense committed.
- The “No BEP Variation” wherein the court did not order an individual convicted of a domestic abuse offense, or receiving a deferred judgment or deferred sentence in a case involving domestic abuse charges, to attend BEP.
- The “No Jail - No BEP Variation” wherein the court did not sentence an individual convicted of a domestic abuse offense to a minimum jail



term as specified in the law for the level of offense committed, nor did the court order the individual to attend BEP.

Based on the beliefs of the BEP coordinators who felt they were familiar with the sentencing patterns, it can be estimated that in only 43% of the counties they served did the court appear to routinely sentence domestic abuse offenders in accordance with the requirements set by law.

The on-site visits tended to verify the existence of the three variations within the "discretionary model". As previously indicated, in the counties visited and studied, only 32.6% of the domestic abuse arrest incidents resulted in a conviction for a domestic abuse offense. Of those cases, the court data indicated that 75.1% of those individuals convicted were sentenced to serve two or more days in jail as specified by law; 59.9% of those convicted were sentenced to participate in BEP; and only 53.6% of the offenders convicted were sentenced both to the minimum jail sentence and BEP participation as required by law. The data also indicated that of the domestic abuse cases examined, 6.2% resulted in some form of deferred judgment or sentence. Of those cases, only 28.8% resulted in the offender be required to participate in BEP by the court.

In reviewing this data, it should be remembered that the counties chosen for study were chosen for their apparent high degree of deviation from the legal model, and are not representative of all counties within the state. The same BEP coordinator questionnaires which indicated the existence of the discretionary model also suggested a large number of counties where the courts appeared to follow the legal model of sentencing in almost all of the domestic abuse cases adjudicated. It should also be noted that under the direction of the Iowa Supreme Court, domestic abuse education has become a regular component of the training for magistrates and judges that regularly takes place throughout the state.

When utilized, the discretionary sentencing patterns tend to reduce the number of domestic abuse offenders who are referred to BEP. The patterns could also be construed as a tacit approval by the court of abusive behavior patterns in that offenders, most likely being aware of the domestic abuse sentencing requirements, are allowed to escape the sanctions for domestic abuse intended by the law.

The on-site visits also disclosed one other variation of court discretion that is thought to be worthy of note. In several counties, it appears that when the victim requests that domestic abuse charges be dropped, the court will dismiss the charges while ordering the victim to pay the court costs associated with the case. Such a practice could be construed as penalizing the victim for their initial decision to report a crime wherein they had most likely incurred injuries, and

further victimizing an individual who has already suffered as a result of domestic violence.

### **Criminal Court Responses to Failure to Successfully Complete BEP**

In addition to presiding over the trial and sentencing phases of domestic abuse cases, the criminal courts also preside over the phase that may bring an offender who was ordered to participate in BEP back before the court should BEP not be successfully completed. Whether or not an offender is returned to court for failure to complete BEP appears to depend on how the criminal justice system functions in the county in question. BEP coordinator questionnaire information indicates that in 21% of the counties where the procedures are known, termination from BEP is reported directly to the court. This would tend to indicate that in at least these counties, the court, rather than the county attorney, initiates the action to bring the offender back before the court to answer for the failure to successfully complete BEP.

Further analysis of the BEP coordinator questionnaires appears to indicate a wide range of divergence on the part of the courts as to what the proper response is to unsuccessful BEP participation, much the same as was found with county attorneys. The questionnaires indicate that in 20.0% of the counties where the court responses are thought to be known, the courts impose a sanction which does not include a return to BEP; an additional 31.3% of the responses involve a return to BEP without the imposition of other sanctions; an additional 40.0% of the responses involve a return to BEP along with the imposition of another sanction; and the remaining 5.7% involve some other sanction, or lack of sanctions.

It would thus appear that the criminal courts as well as the county attorneys and the BEP staff hold a number of different beliefs as to what the proper response to failure to successfully complete BEP should be.

## **BEP PROGRAM COMPLETION AND RECIDIVISM**

### ***BEP COMPLETION DATA***

#### **Background, Definitions and Methodology**

The goal of BEP is to alter the abusive and controlling behavior of its clients through a process of education. As with most educational processes, it is believed that if an individual completes the prescribed course of study, they will be more likely to achieve the goal(s) of the program. It would therefore appear that a key element in altering the abusive behavior of the BEP participants is the successful completion of the BEP.

Analyses of the BEP database were undertaken to determine the statewide BEP completion rate and to assess the extent to which completion rates are related to the variables of sex, race, age, length of program, type of program attended, judicial district and system officials adherence to the BEP legal model. For purposes of these analyses, completion of BEP was defined as having successfully completed the prescribed BEP course of study as defined and implemented by the organization conducting the individual program which the client attended. If a client was terminated from the program for cause, i.e., excessive absence, and subsequently completed the program, they were considered to have successfully completed BEP. Non-successful completion was defined as those BEP clients who did not successfully complete the prescribed BEP course of study as defined and implemented by the organization conducting the individual program which the client attends. It should be noted that the outcome of some cases (n=123) was unknown in that the data indicated neither completion or non-completion of BEP. These cases were included in the non-completion group so as not to portray the successful completion rates as higher than they actually were. It is believed that some number of the unknown cases did complete BEP, which would raise the successful completion rate to a level slightly higher than indicated by the data.

In this study, selected differences among some of the study variables were examined to determine whether they were statistically significant. In many of the tables displayed below, differences are shown between variables (e.g. different BEP completion rates in different judicial districts). The extent to which such differences may be explained by chance or by the relationship between the variables (e.g. program completion and age of participant) can be examined through statistical procedures. The procedures used in this study to determine statistically significant differences were conducted to allow for at least a 95% probability that, if identified as statistically significant, a given difference between study variables is due to a relationship between those variables rather than due to chance. The lack of statistical significance does not mean that an observed dif-

ference between two variables has been proven to be due to chance. Rather, it would be more appropriate to say that a relationship between the variables could not be verified -- it may or may not exist.

### Overall Program Completion Findings

**Table 1 - Statewide SFY 1994 BEP Completion Rate**

<u>Total Cases</u>	<u>Total Completed</u>	<u>Completion Rate</u>
2,749	1,651	60.1%

The data in **Table 1** indicates that of the individuals contained within the DOC BEP database, 60.1% of those who were referred to BEP during SFY 1994 successfully completed the program.

### Program Completion and Selected Study Variables

#### *Introduction*

In the preceding section, a general finding was presented that about 60% of all SFY 1994 BEP participants successfully completed the program. The primary goal of the analyses reported below is to further examine program completion rates by controlling for the extent to which it is effected by selected characteristics of BEP programs and participants.

#### *Gender*

**Table 2 - SFY 1994 BEP Completion Data By Sex**

<u>Sex</u>	<u>Total Cases</u>	<u>Total Completed</u>	<u>Completion Rate</u>
Male	2,621	1,570	59.9%
Female	128	81	63.3%
<b>TOTAL</b>	<b>2,749</b>	<b>1,651</b>	<b>60.1%</b>

**Table 2** portrays the completion rate of BEP by the sex of the participant. Although the completion rate for females was greater than it was for males, the difference between their completion rates was not found to be statistically significant. It could therefore be concluded that the sex of the participant did not effect the successful completion of BEP in these cases.

***Race/Cultural Background***

**Table 3 - SFY 1994 BEP Completion Data By Race**

<u>Race</u>	<u>Total Cases</u>	<u>Total Completed</u>	<u>Completion Rate</u>
Asian	13	10	76.9%
African-American	264	130	49.2%
Hispanic	109	62	56.9%
Native American	23	13	56.5%
White	2,160	1,407	65.2%
Other	2	2	100.0%
Race Unknown	178	27	15.2%
TOTAL	2,749	1,651	60.1%

**Table 3** displays completion rates of BEP by the race of participants and indicates how completion rates were different for the different race groups. The only difference found to be statistically significant, however, was the difference between “White” and “African-American” completion rates. In other words, the finding that African-Americans completed BEP at a lower rate than did Whites was statistically significant.

As seen in **Table 4**, the completion rate for 17-21 year olds was lower than for other age groupings. This difference in completion rates between 17-21 year olds and almost all other age groups was found to be statistically significant.

With one exception, no other completion rate differences among the age groups was found to be statistically significant. The exception was the rate difference between 37-41 year olds and 57-61 year olds with the later group having the higher completion rate of the two.

*Age*

**Table 4 - SFY 1994 BEP Completion Data By Age**

<u>Age Range</u>	<u>Total Cases</u>	<u>Total Completed</u>	<u>Completion Rate</u>
17 - 21	231	123	53.2%
22 - 26	586	365	62.3%
27 - 31	614	388	63.2%
32 - 36	568	363	63.8%
37 - 41	310	190	61.3%
42 - 46	158	108	68.2%
47 - 51	70	47	67.1%
52 - 56	32	23	71.9%
57 - 61	16	13	81.3%
62 - 66	10	7	70.0%
67 +	6	4	66.7%
Unknown	148	20	13.5%
TOTAL	2,749	1,629	60.1%

The data in **Table 5** appear to indicate that one judicial district had a particularly high BEP completion rate and one judicial district had a particularly low BEP completion rate in comparison to the remaining six judicial districts. The first judicial district, with a BEP completion rate of 83.3%, ranks highest in terms of successful completion rate, with that rate being approximately 15% higher than the next highest completion rate. In an attempt to understand the high completion rate, staff reviewed the policies and procedures utilized in that judicial district. That review indicated that within certain counties of this district, BEP staff appeared to have adopted policies and procedures designed to minimize the number of BEP terminations which were referred back to the criminal justice system for review. The primary example of such policies is that if a participant was terminated from BEP, the individual was usually afforded at least one opportunity to re-enroll in the program without having their case referred to the county attorney or the court for review and the possible imposition of sanctions for failing to successfully complete BEP. If the individual did re-enroll, their case was not recorded as a termination within the DOC BEP database. Representations have been made that these policies and procedures were implemented with the knowledge and consent of the criminal justice system within the counties

involved. It would appear that implementation of these unique local policies and procedures have produced an artificially high rate of successful completion for the BEPs as well as an artificially low termination rate within this judicial district.

*Judicial District*

**Table 5 - SFY 1994 BEP Completion Data By Judicial District**

<u>Judicial District</u>	<u>Total Cases</u>	<u>Total Completed</u>	<u>Completion Rate</u>
1	294	245	83.3%
2	466	286	61.4%
3	272	183	67.3%
4	165	82	49.7%
5	569	392	68.9%
6	499	278	55.7%
7	306	78	25.5%
8	178	107	60.7%
TOTAL	2,749	1,651	60.1%

Conversely, the seventh judicial district ranks lowest in successful BEP completion. Examination of the characteristics of the BEPs in this judicial district indicated that in the largest county, information supplied by the BEP staff that the contract service provider apparently had some internal conflicts directly involving the BEP program, which were believed to have contributed to the low successful completion rate during the timeframe under examination. Representations were made that the internal conflicts were resolved soon after the end of SFY 1994, and as a result, the successful completion rate soon began to increase within the program.

As might be expected, statistical procedures applied to these data indicated a statistically significant difference between the completion rate in the first judicial district and the completion rates in all other judicial districts. Similarly, a statistically significant difference was found between the seventh judicial district and all

other judicial districts. It is believed that the significance of these relationships is somewhat mitigated by the methodologies employed in the first judicial district which tend to produce artificially high successful completion rates. The internal problems experienced by a major program site in the seventh judicial district which resulted in lower successful completion rate also tend to mitigate the significance of the findings for that judicial district.

The statistical procedures applied to these data also indicated two other sets of statistically significant relationships in terms of successful completion. In the first set, individuals in the fifth judicial district were found to successfully complete BEP at a significantly higher rate than those individuals in the second, third, sixth, seventh and eighth judicial districts. In the second set, individuals in the fourth judicial district were found to successfully complete BEP at a significantly lower rate than those in the first, second, third and fifth judicial districts. Examination of the policies and procedures utilized within the fourth and fifth judicial districts failed to disclose any major factors which would tend to mitigate the findings such as were found in the first and seventh judicial districts.

### *Program Length*

**Table 6 - SFY 1994 BEP Completion Data By Program Length**

<u>Program Length</u>	<u>Total Cases</u>	<u>Total Completed</u>	<u>Completion Rate</u>
16 Weeks	1,474	996	67.6%
24 Weeks	754	295	39.1%
TOTAL	2,228	1,291	57.9%

Note: Unlike other tables in this report, the total number of cases in Table 6 does not equal 2,749 cases and the number of cases in which BEP was completed does not equal 1,651 because in one program representing 521 cases and 360 completions, both 16 and 24 week programs are conducted and the data did not indicate which length of program the participant attended. These cases were therefore not included in the table.

The notable difference between the completion rates of offenders attending the two different-length programs, as displayed in **Table 6** was found to be statistically significant. Participants in the 16 week program were much more likely to have completed BEP.

### *Program Delivery Method*

**Table 7 - SFY 1994 BEP Completion Rate By Type of Service Provider**



<u>Service Provider</u>	<u>Total Cases</u>	<u>Total Completed</u>	<u>Completion Rate</u>
DOC	978	586	59.9%
Private	1,771	1,065	60.1%
TOTAL:	2,749	1,651	60.1%

Based on the analyses of the data summarized in **Table 7**, the type of the BEP program provider did not seem to impact on the successful completion of BEP. No statistically significant difference was found between the completion rates of the two different types of service providers.

#### *Adherence to Legal Model*

**Table 8**, below, is an attempt to describe the effect that justice system officials support of BEP concepts may be having on program completion rates. Earlier in this report, it was proposed that two basic types of BEP-support models could be described, the legal and discretionary. In the legal model, all criminal justice agencies within the criminal justice system tended to act in accordance with the apparent letter and intent of the law as relates to BEP. In the discretionary model, one or more of the criminal justice agencies tended to deviate in one or more ways from the apparent letter and intent of the law as relates to BEP. In order to quantify the deviations from the legal model, two questionnaires were developed and distributed to BEP coordinators. The information returned by the BEP coordinators was quantified on each of sixteen variables, and a rank order was established to indicate the degree to which system officials in each county appeared to adhere to the BEP legal model, as perceived by the BEP coordinator.

To examine whether adherence to, or deviation from, the BEP legal model, as perceived by the BEP coordinators, effected the completion rate, this rank order was again employed. From those counties where data had been obtained for all sixteen of the variables, the ten counties which appeared to adhere most closely to the legal model and the ten counties which appeared to deviate most from the legal model were chosen for further study.

**Table 8** portrays the average completion rates for these ten highest and ten lowest counties as ranked according to their perceived adherence to the BEP legal model.

**Table 8 - SFY 1994 BEP Completion Rates For Selected County Groupings**

Degree of Adherence to "BEP Legal Model"	Total Cases	Total Completed	Completion Rate
10 Counties with Highest Adherence	878	598	68.1%
10 Counties with Lowest Adherence	190	67	35.3%

The fairly large completion rate difference between these two groupings of counties was found to be statistically significant. Individuals in the group of counties that most closely adhered to the BEP legal model successfully completed BEP at a significantly higher rate than those in the group of counties that adhered more closely to the discretionary BEP model. It should be noted, however, that one of the ten counties with the lowest "adherence to legal model" rankings was a county served by a BEP provider discussed earlier in this report as having experienced internal conflict problems that seems likely to have influenced the extent to which participants completed or were terminated from the program. Which of the two factors (self-reported provider problems or perceived officials' adherence to the "legal model") most influenced completion rates is unknown. It may be that these two factors are somehow interrelated.

### *Program-Specific*

**Appendix A** to this report contains detailed information regarding the completion rates of specific counties and BEPs across the state. The information in **Appendix A** is organized according to the counties from which the individual participants had been sentenced to BEP.

### ***BEP RECIDIVISM DATA***

#### **Background, Definitions and Methodology**

The remaining tables and discussion in this section are meant to help assess the effectiveness of BEP by examining how the successful completion of the program has an impact on the recidivism of the program's participants. Current Iowa law requires all persons convicted of domestic assault to enroll in a BEP. Such a requirement precludes a comparison of the recidivism of domestic assault perpetrators who participate in BEP with the recidivism of domestic assault perpetrators who do not participate in BEP. Given the data collected by DOC

from the BEP providers, however, it was possible to identify two groups of offenders for whom a comparison of recidivism information might lend itself to the examination of BEP effectiveness. The two groups of people for whom recidivism is estimated and examined in this report are persons who participate in BEP and successfully complete the program and persons who participate in BEP but who are terminated from the program and do not successfully complete it.

In the following analyses, completion of BEP was defined as having successfully completed the prescribed BEP course of study as defined and implemented by the organization conducting the individual program which the client attended. If a client was terminated from the program for cause, i.e., excessive absence, and subsequently completed the program, they were considered to have successfully completed BEP. Termination was defined as being precluded from further participation in the program by the BEP prior to successful completion of the program. It should again be noted that the outcome of some cases was unknown in that the database contained 123 SFY 1994 records in which neither completion nor termination was recorded. These unknown cases, which contained only one rearrest incident, were not included in either the successful completion or termination categories.

Before attempting to determine the domestic abuse recidivism rate of these individuals, an indicator of recidivism had to be chosen. The BEP process was reviewed, and it was determined that the indicator for this study would be the rearrest and prosecution of an offender on domestic assault charges after a preliminary hearing had been held by the court. The BEP legal model indicates that law enforcement will make an arrest in almost all cases where their investigation indicates that an incident of domestic assault has occurred. The model also provides that before any domestic assault offender can be released from custody, they must appear before a judge or magistrate, who will conduct an initial appearance to determine if there is probable cause to believe that a domestic abuse offense has occurred. It is believed that by using the prosecution of an offender on domestic assault charges after an initial appearance has been held by the court as the recidivism indicator affords a high degree of certainty of recidivism in that both law enforcement and the courts have reviewed the facts in the case and have found probable cause to believe a domestic assault offense has occurred.

DOC's BEP database contained records for a total of 2,749 individuals who had been ordered by the court, or had volunteered, to attend a BEP during SFY 1994. Computerized criminal history (CCH) records were reviewed for all of these 2,749 individuals who could be adequately identified to determine if any additional arrests and/or convictions for domestic assault crimes had occurred. Additionally, the court records were examined in both the county of previous offense and the offender's county of residence, if those counties were identified, for any evidence of additional domestic assault charges being filed with the court

in those counties which were within the State of Iowa. CJJP attempted to find arrest data on all persons who had initiated their BEP process during SFY 1994. The arrest data collected by CJJP included any recorded arrests made between each person's BEP initiation date and June of 1996.

Although BEP services are designed to last either 16 or 24 weeks, it was found that such time lengths do not adequately describe the real lengths of time it takes for participants to actually complete (or be terminated from) the program. Participants' length of involvement with BEP prior to case closure varied dramatically due to both program and individual factors including, but not limited to, participants' attendance practices; programs' termination, case closure and re-admission policies; and, system officials' responses to terminations or participation problems. As a result, the amount of time that had elapsed between participants' program completion (or termination) and the collection of arrest data varied considerably. **Table 9** describes elapsed lengths of time from the SFY 1994 BEP participants' case closures to the collection of follow-up arrest data.

**Table 9 - Time Between Completion/Termination of SFY 1994 BEP Cases\* and 6/96**

Type of BEP Case Closure	Length of Time From Closure Through June, 1996 ( <i>in months</i> )											
	0 -- 6		7 -- 12		13 -- 18		19 -- 24		25 -- 30		31+	
	cases #	%	cases #	%	cases #	%	cases #	%	cases #	%	cases #	%
Completed Program	0	0	29	1	206	8	690	26	636	24	90	3
Terminated from Program	7	.3	30	1	101	4	311	12	378	14	148	6
<b>TOTAL</b>	<b>7</b>	<b>.3</b>	<b>59</b>	<b>2</b>	<b>307</b>	<b>12</b>	<b>1001</b>	<b>38</b>	<b>1014</b>	<b>38</b>	<b>238</b>	<b>9</b>

Note: Of the 2,749 cases in this study, completion or termination dates were known in only 2,626 cases. Percentages are calculated from this total of 2,626 cases. Percentages do not total 100% due to rounding.

As can be seen from the above table, when CJJP collected arrest data, the vast majority (more than 97%) of cases had been completed or terminated for more than one year. Most, (86%) had been completed or terminated for over a year and a half, and many (48%) had been completed or terminated for more than two years. That follow-up periods varied by participant should be kept in mind when reviewing the recidivism findings that follow; the extent to which such variance may have affected the findings will be discussed later in this report.

In reviewing the recidivism data that follows, it also must be remembered that the data should be considered as a relative indication of recidivism and not the true recidivism rate, which is believed to be higher than the data indicates. There are several reasons for this. First, as was shown in phase one of this research, there are documented instances where an offender who commits a domestic abuse offense is not charged with a domestic abuse offense. Cases in which this occurs would not have been captured in the recidivism data that was collected. Second, the CCH records contain only arrest incidents which are pending before the court, or in which the offender was convicted or received a deferred judgment. Arrest incidents in which the arrestee is not convicted are, by law, excluded from the CCH records. Further, a recent audit of the CCH records conducted by CJJP indicated that approximately 10% of the arrests made by law enforcement were not recorded in the CCH records. Third, some of the BEP participants live and/or were sentenced to participate in BEP outside of the State of Iowa, and criminal history and court data from other states were not readily available to the research staff. Fourth, in some instances complete personal identification data were not available and thus the individual's CCH record could not be identified or accessed.

Analyses of the recidivism data in many of the tables presented below were conducted to assess the extent to which observed differences between variables were statistically significant. The reader is urged to refer to a previous discussion about this type of analysis in a previous section of this report (see "BEP Completion Data -- Background, Definitions And Methodology.")

### Overall Recidivism Findings

**Table 10: Statewide SFY 1994 BEP Overall Recidivism Data**

<u>Number of BEP Attendees</u>	<u>Number Rearrested</u>	<u>Number of Arrests</u>	<u>Recidivism Rate</u>
2,749	455	601	16.6%

**Table 10** indicates that of the 2,749 individuals who were ordered or volunteered to attend BEP during SFY 1994 for whom records exist in the DOC BEP database, 455, or 16.6%, were arrested or rearrested and charged with a domestic abuse offense after the date of their referral to BEP or the date they volunteered to attend BEP.

The reader is cautioned against comparing this recidivism data with findings from other offender recidivism studies or correctional population reports. Such

information available in Iowa appears not to be directly comparable to BEP data for a number of reasons, including the fact that some offender population reports include being returned to an institution for violating probation, not necessarily committing a new offense. Further, individuals can be returned to an institution for committing offenses other than those for which they were first sentenced to prison, whereas the BEP recidivism determination was restricted to those individuals who appeared to have committed a subsequent domestic abuse offense.

**Table 11** portrays the recidivism rate for those individuals who successfully completed BEP and those individuals who did not successfully complete BEP.

Table 11: SFY 1994 BEP Recidivism Data By BEP Completion Category			
	<u>Individuals Completing BEP</u>	<u>Number Rearrested</u>	<u>Percentage Rearrested</u>
	1,651	254	15.4%
<u>Terminated From BEP</u>			
	975	200	20.5%
<u>Completion Status Unknown</u>			
	123	1	0.8%
TOTAL	2,749	455	16.6%

While there was not a large difference in the recidivism rates of persons who completed BEP and those who were unsuccessfully terminated (15.4% vs. 20.5%), the difference was found to be statistically significant. Though not particularly strong, there was a statistically significant relationship between successful completion of BEP and recidivism; following BEP case closure, a person completing the program was somewhat less likely to be rearrested for domestic assault than was a person who had been terminated from the program.

As was displayed in **Table 10**, the length of time between program participation and when rearrest data was collected varied by program participant. As can be seen in **Table 12**, the vast majority of rearrests (89%) occurred within an 18 month period following program completion or termination. This finding held true for both completion and termination cases. **Table 10** indicated that about 90% of all cases had been closed for 18 months or more when rearrest data was col-

lected. This information may be considered as a reason to minimize the concern that the methodology utilized in this study did not give all program participants the “same chance (length of time) to recidivate”.

<b>Table 12: Time Between Closures of BEP Cases Initiated in SFY 1994 and Subsequent Rearrest (thru 6/96)</b>							
Type of BEP Case Closure	Length of Time From Closure Through Rearrest ( <i>in months</i> )						0 - 31+
	0 -- 6	7 --12	13 --18	19 -- 24	25 -- 30	31+	
	Percent of cases	Percent of cases	Percent of cases	Percent of cases	Percent of cases	Percent of cases	Percent of cases
Completed Program	46%	26%	17%	7%	4%	<1%	100%
Terminated from Program	55%	22%	12%	9%	2%	0%	100%
All Cases	50%	24%	15%	8%	3%	<1%	100%

As can be seen in **Table 12**, the largest number of rearrests occurred within six months of BEP case closure for those BEP participants for whom rearrests were documented.

## Recidivism and Selected Study Variables

### *Introduction*

In the preceding section, a general finding regarding the impact of BEP on subsequent rearrests was presented: *persons completing the program were somewhat less likely to be rearrested for domestic assault than were persons who had been terminated from the program.* The primary goal of the analyses reported below was to determine whether this finding holds true when controlling for certain variables of potential relevance for program planning.

The tables and narrative that follow attempt to answer the following type of question: does the observed overall relationship between BEP completion and rearrest hold equally true for participants of different ages or with programs of different lengths? However, the tables displayed below may also be examined to see how recidivism rates (for both persons who complete BEP and those who are terminated from BEP) varied for persons of different races or ages or gender. Similarly, such recidivism rate differences among judicial districts, program length or other such program characteristics can be compared. While such comparisons may be of interest, the reader is urged to avoid forming conclusive

opinions from their examination. A comparison of, for example, the recidivism rates of offenders of different ages who complete the program does little to advance our knowledge of BEP's impact. Such a comparison does not take into account the extent to which the recidivism rates of such categories of cases varies from the rate at which they would have recidivated had they had not completed BEP.

The narrative analyses of the recidivism data that follows is restricted to assessments of the extent to which the overall observed difference between the recidivism rate of persons who complete BEP and those who are terminated from BEP are significant when controlling for certain BEP participants or program characteristics.

### *Gender*

**Table 13: SFY 1994 BEP Completion, Termination and Recidivism Data by Sex**

<u>Sex</u>	----- Completed BEP -----		----- Recidivism Rate	----- Terminated From BEP -----		----- Recidivism Rate
	<u>Number Completed</u>	<u>Number Rearrested</u>		<u>Number Terminated</u>	<u>Number Rearrested</u>	
Male	1,570	246	15.7%	938	198	21.1%
Female	81	8	9.9%	37	2	5.4%
TOTAL	1,651	254	15.4%	975	200	20.5%

Note: Totals in this table do not equal the totals reported in Tables 10 & 11 because the study cases in which the BEP completion status is unknown are not included here.

**Table 13** shows how males who completed BEP were less likely to be the subject of a documented arrest than were males who were terminated from BEP. The difference between these two rates, though small, was found to be statistically significant. Female BEP participant recidivism rates were in the opposite direction with a greater percentage of completion cases involving rearrests. The difference between the recidivism rates for females who completed BEP and those who were terminated, however, was not statistically significant. In other words, the overall finding that “persons completing the program were somewhat less likely to be rearrested for domestic assault than were persons who had been terminated from the program” held true for males, but not for females.



### *Race/Cultural Background*

**Table 14: SFY 1994 BEP Completion, Termination and Recidivism Data By Race**

<u>Race</u>	----- Completed BEP -----			----- Terminated From BEP -----		
	<u>Number Completed</u>	<u>Number Rearrested</u>	<u>Recidivism Rate</u>	<u>Number Terminated</u>	<u>Number Rearrested</u>	<u>Recidivism Rate</u>
Asian	10	1	10.0%	3	0	0.0%
African-American	130	30	23.1%	120	36	30.0%
Hispanic		62	7	11.3%	45	7
15.6%						
Native American	13	3	13.0%	10	3	30.0%
White	1,407	210	14.9%	689	149	21.8%
Other	2	0	0.0%	0	0	0.0%
Unknown	27	3	11.1%	108	5	4.6%
<b>TOTAL</b>	<b>1,651</b>	<b>254</b>	<b>15.4%</b>	<b>975</b>	<b>200</b>	<b>20.5%</b>

Note: Totals in this table do not equal the totals reported in Tables 10 & 11 because the study cases in which the BEP completion status is unknown are not included here.

With the exception of “Asian” and “Unknown,” each of the groupings in **Table 14** recidivated at a greater rate when terminated from BEP than when they completed the program. However, the differences between the recidivism rates of those who completed and those who terminated BEP were not statistically significant for any of the race groups examined except the “White” group. The overall finding that “persons completing the program were somewhat less likely to be rearrested for domestic assault than were persons who had been terminated from the program” held true only for persons identified as “White” in the DOC BEP database.

The relationships between the two types of case closure and recidivism within each of the different age groups as displayed in **Table 15** were examined to see if age had an impact on the earlier finding that participants who completed BEP were less likely to be rearrested than were those who were terminated from the program. When controlling for age, as **Table 15** allows, this finding held true only for the 22-26 age group. In other words, for all age groups other than 22-26, rearrests might have been equally likely to occur whether or not they completed BEP.

## Age

**Table 15: SFY 1994 BEP Completion, Termination and Recidivism Data By Age**

<u>Age Range</u>	----- Completed BEP -----			----- Terminated From BEP -----		
	<u>Number Completed</u>	<u>Number Rearrested</u>	<u>Recidivism Rate</u>	<u>Number Terminated</u>	<u>Number Rearrested</u>	<u>Recidivism Rate</u>
17 - 21	123	17	13.8%	92	20	21.8%
22 - 26	365	56	15.3%	209	49	23.4%
27 - 31	386	82	21.2%	207	51	24.9%
32 - 36	363	56	15.2%	175	36	20.6%
37 - 41	190	22	11.6%	111	21	18.9%
42 - 46	108	10	9.3%	47	5	10.6%
47 - 51	47	8	17.0%	21	4	19.0%
52 - 56	23	1	4.3%	8	0	0.0%
57 - 61	13	1	7.7%	3	0	0.0%
62 - 66	7	1	14.3%	3	1	33.3%
67 +	4	0	0.0%	2	1	50.0%
Unknown	20	0	0.0%	97	2	12.4%
<b>TOTAL</b>	<b>1,651</b>	<b>254</b>	<b>15.4%</b>	<b>975</b>	<b>200</b>	<b>20.5%</b>

Note: Totals in this table do not equal the totals reported in Tables 10 & 11 because the study cases in which the BEP completion status is unknown are not included here.

**Table 16** displays the BEP “completion” and “termination” recidivism rate difference found within each of Iowa’s eight judicial districts. A statistically significant relationship between type of case closure (completion or termination) and recidivism was not found in all districts. It was only in the fourth and fifth districts where the difference between the recidivism rate of those who completed and those who were terminated was found to be statistically significant. In other words, the overall finding that “persons completing the program were somewhat less likely to be rearrested for domestic assault than were persons who had been terminated from the program” held true only for persons participating in the fourth and fifth judicial district BEP programs.

### *Judicial District*

**Table 16: SFY 1994 BEP Completion, Termination and Recidivism Data By Judicial District**

<u>Judicial District</u>	----- Completed BEP -----			----- Terminated From BEP -----		
	<u>Number Completed</u>	<u>Number Rearrested</u>	<u>Recidivism Rate</u>	<u>Number Terminated</u>	<u>Number Rearrested</u>	<u>Recidivism Rate</u>
1	245	36	14.7%	45	6	13.3%
2	286	42	14.7%	158	32	20.3%
3	183	29	15.8%	89	20	22.5%
4	82	9	11.0%	83	25	30.1%
5	392	58	14.8%	171	47	27.5%
6	278	54	19.4%	147	32	21.8%
7	78	12	15.4%	220	28	12.7%
8	107	14	13.1%	62	10	16.1%
<b>TOTAL</b>	<b>1,651</b>	<b>254</b>	<b>15.4%</b>	<b>975</b>	<b>200</b>	<b>20.5%</b>

Note: Totals in this table do not equal the totals reported in Tables 10 & 11 because the study cases in which the BEP completion status is unknown are not included here.

### *Program Length*

**Table 17: SFY 1994 BEP Completion, Termination and Recidivism By Program Length**

<u>Program Length</u>	----- Completed BEP -----			----- Terminated From BEP -----		
	<u>Number Completed</u>	<u>Number Rearrested</u>	<u>Recidivism Rate</u>	<u>Number Terminated</u>	<u>Number Rearrested</u>	<u>Recidivism Rate</u>
16 Weeks	996	162	16.3%	366	76	20.8%
24 Weeks	295	39	13.2%	452	80	17.7%
<b>TOTAL</b>	<b>1,291</b>	<b>201</b>	<b>15.6%</b>	<b>818</b>	<b>156</b>	<b>19.1%</b>

Note: Total numbers of BEP completion and termination cases in this table do not equal those represented in other tables because in one program representing 521 cases (of which 360 were completed cases, 157 were terminations and 4 had an unknown completion status; 97 of the 521 cases experienced a rearrest), both 16 and 24 week programs are conducted and the data did not indicate which cases involved which program lengths. Cases from this program are not included here.

**Table 17** displays differences in the BEP “completion” and “termination” recidivism rate for both the 16 and the 24 week program types. The difference in recidivism rates for those who completed BEP or were terminated from BEP was not statistically significant in either program type. It appears as if the length of the program had little impact on recidivism.

### *Program Delivery Method*

**Table 18: SFY 1994 BEP Completions, Termination and Recidivism Rate By Program Type**

Program Type	Completed BEP			Terminated From BEP		
	Number Completed	Number Rearrested	Recidivism Rate	Number Terminated	Number Rearrested	Recidivism Rate
DOC	586	97	16.6%	287	56	19.5%
Contract	1,065	157	14.7%	688	144	20.9%
TOTAL	1,651	254	15.4%	975	200	20.5%

Note: Totals in this table do not equal the totals reported in Tables 10 & 11 because the study cases in which the BEP completion status is unknown are not included here.

**Table 18** portrays the completion, non-completion and recidivism rates for those BEP programs conducted by DOC and those conducted by contract service providers. The recidivism rate for participants who were terminated was greater than for those who completed BEP within both the DOC and contract program types. This recidivism rate difference was found to be statistically significant, however, only within the contract group. In other words, the overall finding that “persons completing the program were somewhat less likely to be rearrested for domestic assault than were persons who had been terminated from the program” held true only for persons participating in BEP programs involving contract providers.

### *Adherence to Legal Model*

**Table 19** portrays the completion, non-completion and recidivism rate for two groups of counties; those most closely adhering to, and those least closely adhering to, the BEP legal model.

Degree of Adherence to "BEP Legal Model"	Completed BEP			Terminated From BEP		
	<u>Number Completed</u>	<u>Number Rearrested</u>	<u>Recidivism Rate</u>	<u>Number Terminated</u>	<u>Number Rearrested</u>	<u>Recidivism Rate</u>
10 Counties with Highest Adherence	598	85	14.2%	272	75	27.5%
10 Counties with Lowest Adherence	67	10	14.9%	120	24	20.0%

Examination of the differences between the recidivism rates of the completion and termination groups within each of the county groupings (e.g. 14.2% vs. 27.5% and 14.9% vs. 20.0) found that within the "highest adherence" to the legal model group of counties, the difference between rates was statistically significant. Although a similar difference was observed within the "lowest adherence" group, it was not a statistically significant difference. Without controlling for perceived "adherence to legal model", participants who completed BEP were somewhat less likely to be rearrested than were those who were terminated from the program. When controlling for "adherence to legal model", as **Table 19** allows, this finding held true only for participants in areas characterized by a perceived high adherence to the legal model.

### ***Program-Specific***

**Table 20** portrays the BEPs having the highest successful completion rate and the lowest successful completion rate within each of the eight judicial districts, with the exception of the fourth judicial district. In compiling the data for this table, it was observed that 15 of the 38 BEPs across the state had less than 20 participants during SFY 1994. It was believed that the inclusion of these programs in the computations would produce data which was not meaningful in view of the small number of cases. Therefore, a minimum participant level of 20 was established for this analysis. In the fourth judicial district, only one program met this minimum case level, thus only that program is listed for that judicial district.

**Table 20: SFY 1994 BEP Completion, Termination and Recidivism Rates By Highest and Lowest Completion Rates Within Each Judicial District**

Program City	----- Completed BEP -----			----- Terminated From BEP -----		
	<u>Number Completed</u>	<u>Number Rearrested</u>	<u>Recidivism Rate</u>	<u>Number Terminated</u>	<u>Number Rearrested</u>	<u>Recidivism Rate</u>
<u>1st Judicial District</u>						
Waterloo	59	5	8.5%	10	2	20.0%
Oelwein	29	2	6.9%	5	0	0.0%
<u>2nd Judicial District</u>						
Ames	51	8	15.7%	16	5	31.3%
Ft. Dodge	69	13	18.8%	64	17	26.6%
<u>3rd Judicial District</u>						
Sioux Ctr.	20	1	5.0%	2	0	0.0%
Spencer	33	4	12.1%	41	8	19.5%
<u>4th Judicial District</u>						
Council Blf.	55	7	12.7%	72	25	34.7%
<u>5th Judicial District</u>						
Des Moines	361	55	14.7%	157	44	28.0%
Adel	25	2	8.0%	13	2	15.4%
<u>6th Judicial District</u>						
Cedar Rpsds	246	46	18.7%	95	27	28.4%
Coralville	10	3	30.0%	27	7	25.9%
<u>7th Judicial District</u>						
Clinton	30	5	16.7%	4	3	75.0%
Davenport	31	5	16.1%	192	20	10.4%
<u>8th Judicial District</u>						
Ottumwa	80	12	15.0%	41	6	14.6%
Ft. Madison	10	0	0.0%	10	2	20.0%

Although exceptions can be noted in **Table 19**, in most programs examined -- both those with the highest and lowest completion rate -- the recidivism rate of the program completion group was lower than that of the group of participants who were terminated from the program. However, this difference between the recidivism rate of the completion and termination cases within programs was

found to be statistically significant only in the programs identified for Council Bluffs, Des Moines, and Clinton.

## **SUMMARY, DISCUSSION AND RECOMMENDATIONS**

### ***INTRODUCTION***

The goal of this research effort was to assist DOC and others examine the effectiveness of BEP and to identify factors that influence its operations and its impact on domestic abuse perpetrators. Of primary importance for this research was the development of information with which to guide planning for changes and improvements in BEP. In the initial planning stages of the research, CJJP was asked to include an examination and assessment of the extent to which the policies and practices of criminal justice system officials were consistent with and supportive of BEP and its principles. This course of action was desired based on the perception that the operation and effectiveness of BEP is affected by such “external” factors.

The examination of criminal justice system policies and practices of potential relevance to the effectiveness of BEP resulted in some findings that seem to warrant attention outside of any efforts designed specifically to improve BEP. As a result, part of the discussion that follows is meant to briefly discuss certain findings presented previously and to offer related perspectives. This final section also includes an overview of findings and recommendations more specific to BEP.

### ***JUSTICE SYSTEM OFFICIALS’ SUPPORT OF DOMESTIC ABUSE POLICIES***

#### **General Findings**

Iowa’s laws appear to clearly define specific policies and procedures with which to respond to domestic abuse assaults. However, information collected through this research indicated that, in some areas, usual and customary system responses to domestic abuse seemed to differ from the responses expressly or implicitly described by law. This research found numerous cases where it appeared that domestic abuse perpetrators were not charged, or in which charges were dropped despite compelling indications of domestic abuse, where charges were reduced to non-domestic abuse offenses, where mandatory sentences were avoided and where the lack of offender compliance with court orders received little attention. The reasons for such responses are many and complicated, but it seems likely that some such findings are, to a great extent, related to other long-standing criminal justice policies that support and encourage law enforcement, prosecution, court and correctional officials’ discretion. That the use of such discretion may conflict with the intent of Iowa’s domestic abuse laws seems clearly problematic in some situations.



The intent of this report is not to highlight deviations from the “legal model” of domestic abuse interventions that occur within any given locale or that are due to any particular criminal justice system official. Rather, the research was conducted to provide information of some benefit to all Iowa locales, their system officials and BEP projects. Those findings in this report that resulted from the examination of a sample of counties are meant to be of relevance to all counties.

This report’s findings and discussion on this issue were based on a review of practices in a very select number of areas in the state -- areas where there was a perception of officials’ deviation from the “legal model.” It is assumed that a similar examination conducted in sites where officials are perceived as typically adhering to the “legal model” of domestic abuse interventions would have generated very different information. That most of Iowa’s officials were perceived as attempting to follow the “legal model” should be recognized and stressed in any discussion of this topic.

The Iowa General Assembly has clearly established primary control of the state’s response to domestic abuse at the local level. It seems likely that the most effective ways of improving responses are those that emanate at that level. It is strongly recommended that officials in all areas of the state continually examine their individual and collective responses to domestic abuse with the goal of identifying ways that their respective activities and policies can be changed to improve the implementation and effectiveness of existing domestic abuse laws. One goal of this report is to provide a tool for such examinations through its description of perceived and observed variations and by providing examples of the different “models” of activities and policies that likely exist to some degree in all locales.

This report is by no means the first or only effort to suggest the need for ongoing review and adjustment of criminal justice system agencies’ and officials’ responses to domestic abuse at the local level. The recent Iowa Supreme Court Task Force on Courts’ and Communities’ Responses to Domestic Abuse led to the establishment of a Domestic Abuse Coordinator position to help “integrate the diverse groups and coalitions “that exist at the local level to “find more efficient and effective ways to handle (domestic abuse) cases.” The coordinator is currently working to implement several programs in pursuit of this goal.

The Prosecuting Attorneys’ Training Coordinating Council has, for many years, promoted training aimed at local officials designed to strengthen their efforts and provide them with tools with which to respond to the victims as well as the perpetrators of domestic abuse. The Iowa Law Enforcement Academy and other law enforcement training efforts in Iowa continue to devote resources and attention to help local officials respond to domestic abuse. The Iowa Department of Justice’s Division of Victim Services, the Iowa Coalition on Domestic Violence, the recently established Violence Against Women Task Force together with the

Governor's Alliance on Substance Abuse and others have been, and are now, promoting increased attention to the intent behind Iowa's domestic abuse laws, and all are working to identify and implement ways that increase the effectiveness of these state policies at the local level.

It is hoped that some of the findings regarding local officials' deviation from the "legal model" of domestic abuse intervention is considered supportive of these efforts and will be of assistance to these groups as they continue their work.

### **System Officials' Impact on BEP**

The primary reason for this research to examine local officials' responses to domestic abuse stemmed from a concern that the impact BEP is designed to have on offenders can be affected by the manner in which domestic abuse perpetrators are handled by system officials. It was speculated that offenders' perceptions of their culpability and the seriousness of their abusive behavior may be affected by the way system officials respond to them as well as by the system's perceived response (or lack of response) to the behavior of other domestic abuse perpetrators in their community. Also, it was assumed that the manner in which system officials respond to BEP participants' compliance, terminations and "second chance" programming has direct or indirect effects on all BEP participants.

As was discussed in a previous section, there seems little question about the impact of system officials on the completion rate of BEP participants. It seems appropriate to conclude that offenders are more likely to complete BEP when system officials' actions are perceived as supportive of the intent behind Iowa's domestic abuse laws and BEP.

Less clear, perhaps, is the impact that system officials have on the recidivism rate of BEP participants. It was found, overall, that persons completing BEP were less likely to subsequently be the subjects of a documented arrest for domestic abuse assault. Further, it also was found that this was the case particularly in those areas characterized by having a high adherence to the "legal model" of domestic abuse intervention. There was no significant difference in the rearrest rate of BEP termination and completion cases in those areas characterized by a high deviation from the "legal model." One could conclude from this that when system officials are seen as supportive of Iowa's domestic abuse laws and BEP, persons who complete the program are less likely to recidivate (using official arrests and charging as a measure of recidivism).

What makes this finding somewhat problematic is the size of the recidivism rate difference between terminated and completed cases. Overall, only 15.4% of all BEP completion cases were the subject of a subsequent domestic abuse assault charge. Only 20.5% of all terminated BEP participants were similarly arrested.

Although the difference was found to be statistically significant, it was a fairly small difference (5%). In areas characterized by low adherence to the “legal model,” no statistically significant difference was found between the rearrest rate of terminated and completion cases. In high adherence areas, however, there was a statistically significant (12%) difference in the rearrest rates (14.2% vs. 27.5%).

There are a number of ways of interpreting these findings. Based on the overall finding, one might conclude, for example, that if one hundred people who had the chance of completing BEP did so, 15 of them would be arrested after their BEP experience. If the same hundred people did not complete the program, 20 of them would be arrested. In other words, BEP might be seen as affecting only 5 out of every 100 persons who participate. On the other hand, the same scenario could be viewed from the perspective of the victim of repeat abuse. For every 100 BEP completions, 5 people are protected from a domestic abuse assault who would have been a victim but for BEP.

By following the later of the two perspectives described in the preceding paragraph, it might be further concluded that when system officials support Iowa’s domestic abuse laws and BEP, twelve people are “protected” from a domestic abuse assault who would have been a victim but for BEP. And, no one is “protected” through BEP in those areas characterized by low adherence to the “legal model,” since about the same number of perpetrators get rearrested whether or not they complete the program.

A number of variables, some of which are discussed in previous sections of this report and summarized below, seem to be related to the small, though statistically significant, difference between the rearrest rates of terminated and completed BEP cases. Determining the interrelationships of all variables with a possible impact on recidivism was beyond the scope of this study’s reliance on analyses that examined relationships between an assortment of single variables (e.g. age of offender, type of BEP provider, adherence to “legal model, etc.”) and another variable (i.e. rearrest rate). What can be said given the limitations of this study, however, is that system officials’ adherence to the “legal model” (as perceived by BEP administrators) was related to the rearrest rate of the BEP participants studied.

### ***DOES BEP WORK?***

As was pointed out earlier in a discussion of research methodology, it was not feasible to carry out a strict experimental study to assess BEP’s impact on its target population. The use of a comparison group consisting of offenders who were ordered to attend BEP but who were terminated, and other study limitations such as the chosen definition of recidivism, raise legitimate questions regarding

the extent to which this research answers the basic question of how well BEP is working. However, analyses of the data collected through this effort did indicate that there was a statistically significant difference (though small) between the rearrest rates of BEP participants who completed the program and those who were terminated from the program -- **persons completing the BEP program were somewhat less likely to be rearrested for domestic abuse assault than were persons who had been terminated from the program.**

### ***DOES BEP WORK THE SAME FOR EVERYBODY -- ARE ALL BEP'S THE SAME?***

#### **PROGRAM COMPLETION**

Perhaps one of the more informative, though simplistic, findings of this research is that about **40% of all SFY 1994 offenders participating in BEP did not complete the program.** When examining the BEP completion rate and controlling for certain program and offender characteristics, it was found that **not all types of offenders or program approaches experienced the same completion rate:**

- **African-Americans were less likely to complete BEP than were Whites**
- **17-21 year olds were less likely to complete BEP than were other age groups**
- **Women and men completed BEP at about the same rate**
- **16 week BEP programs experienced higher completion rates than did 24 week programs**
- **Completion rates were about the same between BEP programs provided directly by DOC personnel and those provided through contractual service agencies**
- **Completion rates did not vary greatly among the judicial districts; although mitigating factors appeared present, BEP participants in the 6th judicial district seemed the most likely to complete the program while participants in the 7th district seemed the most likely to be unsuccessfully terminated from the program**
- **BEP program participants were more likely to complete the program when justice system officials were perceived as supportive of the intent of Iowa's domestic abuse laws and BEP**

## RECIDIVISM

Although not highlighted to any great extent in previous sections, it is of interest to note that **less than 17% of all SFY 1994 BEP participants were rearrested for domestic abuse assault whether or not they completed the BEP program**. This statistic is believed to be an understatement of the actual reoffending behavior of BEP participants. That the percentage is not higher, however, could be seen as an indication that Iowa's domestic abuse policies are having a positive impact. BEP's contribution to this impact was investigated by comparing the rearrest rates of perpetrators who complete the program with those who are unsuccessfully terminated. **Persons completing the BEP program were rearrested for domestic assault at a somewhat lower rate than were persons who had been terminated from the program (15% compared to 20%).**

Unfortunately, much is unknown about the subsequent behavior of abuse perpetrators that do not again come to the attention of the legal system. Victim service agencies, system officials and others have voiced a strong concern that some offenders, after having experienced the justice system's responses, become more adept at manipulating their victim and/or their situation so as to better avoid arrests or prosecution despite a continuation or escalation of abusive behavior. If such a concern is valid to a large extent, any of the relatively low rearrest rates determined through this research might be better viewed as problematic, rather than positive, indicators.

Assuming, however, that relatively smaller rearrest rates indicate a desired outcome of BEP, it is important to note that **not all types of offenders or program approaches experienced the same difference in the rearrest rates of those who completed BEP and those who were unsuccessfully terminated:**

- **A smaller rearrest rate was indicated for males who completed BEP, but not for females**
- **A smaller rearrest rate was indicated for Whites who completed BEP, but not for African-Americans**
- **A smaller rearrest rate was indicated for persons aged 22-26 who completed BEP, but not for persons in other age groups**
- **Smaller rearrest rates were indicated for BEP participants who completed the program in the 4th and 5th judicial districts, but not for participants in other districts**

- **Smaller rearrest rates were indicated for BEP (completion) participants involved with programs provided through contract service providers, but not for participants in programs provided directly by DOC personnel**
- **The length of the program -- 16 or 24 weeks -- was not found to be related to the smaller recidivism rates of participants who completed the program**
- **Significant differences in the rearrest rates of participants who completed the program and those who were terminated were found for some, but not all of the BEP providers across the state**
- **Smaller rearrest rates were indicated for BEP participants who complete the program in areas with justice system officials perceived to be supportive of Iowa's domestic abuse laws, but not for participants in areas with officials perceived to deviate from the "legal model"**

## **THE UNIFORMITY OF BEP PROGRAM POLICIES**

The legislation mandating the creation of BEP clearly placed the responsibility for program operation on the judicial district departments of correctional services in which the BEP program operates. In order to insure some degree of uniformity in the programs, DOC central office formed a statewide steering committee to establish standards for the individual BEPs, and from these standards, an accreditation process evolved. In reviewing information submitted by the BEP coordinators, it appears that some areas of standardization, which might be considered essential to the delivery of a quality program, may have been overlooked.

Different program lengths (16 vs. 24 weeks) and different methods of program administration (direct DOC vs. purchase of service contractors) were examined above in some detail in terms of completion and rearrest rates. **Other BEP program policy and practice areas were observed to vary, sometimes widely, as to their formal or informal handling of attendance issues, offender disruption and non-participation, program termination and readmission.** As was pointed out previously, some differences among programs appear to be related to completion and recidivism rates. The lack of uniformity in BEP program policies that exists across the state also likely influences how BEP is perceived by domestic abuse offenders, system officials and the public. **When added to the varied ways in which other system components respond to domestic abuse, such differences among BEP's may be seen as contributing factors to concerns over the purpose and effectiveness of the program.**

## **RECOMMENDATIONS**

1. DOC should review the standards for BEP programs and consider standardizing a number of BEP program policies and practices to achieve a more consistent delivery of the program from one part of the state to another. It is recommended that the following areas be considered for this review and that increased completion rates be a goal that helps structure resulting policies:

- Standardization of offenses or behaviors which would cause a client to be terminated from the program.
- Standardization of the contracts that clients are required to execute prior to their participation in a BEP.
- Standardization of the number of attempts allowed a client to successfully complete the program before being barred from further participation.

It is suggested that efforts to achieve greater consistency in case completion and termination issues across the state should identify and respond to the formal and informal policies and practices of those system officials and BEP personnel in those programs characterized by either relatively high or low completion rates as displayed in Appendix A.

This recommendation is not meant to eliminate discretion exercised on a case-by-case basis depending on the particular situation of a given program participant. Rather, it is meant to encourage an even “playing field” across the state within which such case-by-case decisions can be made and justified.

2. BEP program content and delivery methods should be examined to identify strengths and weaknesses across programs regarding their handling of resistant participants, readmitted offenders, and other such problematic program participants. Expansion or development of special groups using curriculum and delivery methods designed for such offenders should be considered and, to the extent possible, their use should become a structured feature of state-wide termination and re-admission standards.
3. DOC should consider developing completion rate goals for all BEP programs that identify desired levels of program completion that could be monitored through ongoing reports generated by the existing BEP database.
4. DOC and BEP providers should continue to play an integral role in local planning groups and training events attempting to improve the implementation of Iowa’s domestic abuse policies. BEP program policies regarding at-

tendance issues, offender disruption and non-participation, program termination and readmission should be specifically discussed to achieve an agreed-upon plan for case handling among BEP providers, county attorneys, court officials and other involved individuals and agencies. *NOTE: see the preceding section, "JUSTICE SYSTEM OFFICIALS' SUPPORT OF DOMESTIC ABUSE POLICIES" for additional recommendations regarding justice system officials.*

- 5a. Current efforts underway to address the concern that all domestic abuse perpetrators do not respond similarly to the typical BEP curriculum and process should be accelerated if possible. Such efforts should pay particular attention to:
  - The comparatively low completion rates observed for African-Americans and young adults (17-21 year olds). It is recommended that BEP content, delivery methods and facilitator characteristics all be specifically examined to find ways to improve the completion rates for these groups.
  - The finding that the overall positive relationship between BEP and re-arrest rates did not hold true for females, African-Americans or persons outside the ages of 22-26. It is recommended that BEP content, delivery methods and facilitator characteristics all be specifically examined to find ways that improve the program's relevance to, and impact on, offenders that are not young, white males.
- 5b. The findings of this research concerning female BEP participants should be carefully considered by policy makers at all levels. Females completed the program at about the same rate as males, but their low rearrest rate did not seem to be related to program completion.
6. It is recommended that DOC and BEP administrators respond to any future growth in the BEP population with plans to secure additional resources for BEP, or with policy recommendations that would limit BEP participation to a segment of the state's domestic violence perpetrators. Identifying a subset of domestic abuse perpetrators for whom BEP would not be required would seem to call for additional research that closely examines the characteristics of BEP participants. Goals for such an examination might include identifying: 1) offenders for whom it appears BEP will have no impact, even with altered curriculum and delivery approaches; and/or, 2) offenders for whom it can be determined that rearrests or reoffending behavior are not likely whether or not they participate in a domestic violence education program. *NOTE: Such goals would also seem appropriate for efforts aimed at the concern that all domestic abuse perpetrators do not respond similarly to the typical BEP curriculum and process (see recommendation 5).*



7. The varied facilitator styles and BEP curriculum delivery approaches that exist across BEP programs should be examined. It is assumed that such characteristics of BEP (together with the varied types of system officials' support, diverse participant characteristics and the assortment of readmission and termination policies that exist) are having an influence on both the district and program-specific completion and rearrest rates documented in this report. Program adjustments and facilitator training are recommended that build on the features of programs with particularly high completion rates and significant differences in the rearrest rates of completed vs. terminated participants (see **Table 20** and **Appendix A**).
8. DOC should identify any benefits of 24 week BEP programs not examined through this research. In the absence of any such identifiable benefits, it is recommended that DOC promote policies that limit BEP program length to 16 weeks. This recommendation is offered due to the higher completion rates observed for the 16 week programs, because no difference in rearrest rates were found between participants of the 16 and 24 week programs, and because it is assumed the 16 week programs require fewer resources to administer.
9. It is recommended that additional research be conducted to more fully explore the extent to which domestic violence perpetrators repeat their offending behavior subsequent to their involvement with the justice system and BEP. This study's reliance on official arrest and charging information undoubtedly underestimates recidivism.

The above recommendations are offered due to their relevance to the research questions and methodologies that guided CJJP's work. While conducting the research described in this report, however, a number of domestic violence and BEP-related concerns, developments and other issues surfaced that were not the specific focus of CJJP's research. In response to some of these issues, the following recommendations are proposed:

10. Based on observations and discussions of BEP practices across the state, it is recommended that minimum BEP program staffing levels be adopted that are based at least in part on the population of the area being served and the number of clients served historically.
11. Based on observations and discussions of BEP participant populations and system practices, it is recommended that DOC consider examining the reasons that BEP is rarely ordered in response to pro se civil filings seeking relief from domestic abuse. As resources permit, and program improvements proceed, it may be appropriate to promote BEP as an option for perpetrators and the court to consider in response to such pro se filings.

## Appendix A - SFY 1994 Completion Rates By Program City and County

County of <u>Action</u>	<u>Cases</u>	Number <u>Completed BEP</u>	Number Terminated <u>From BEP</u>	Percentage <u>Completed BEP</u>
<u>Program City - Adel</u>				
Adair	1	1	0	100.0%
Dallas	30	23	7	76.7%
Guthrie	1	1	0	100.0%
Madison	3	0	3	0.0%
Polk	2	0	2	0.0%
Voluntary	1	1	0	100.0%
TOTAL	38	26	12	68.4%
<u>Program City - Albia</u>				
Appanoose	5	4	1	80.0%
Monore	3	1	2	33.3%
Unknown	2	1	1	50.0%
TOTAL	10	6	4	60.0%
<u>Program City - Ames</u>				
Boone	14	10	4	71.4%
Greene	1	1	0	100.0%
Hamilton	3	1	2	33.3%
Hardin	1	1	0	100.0%
Marshall	1	1	0	100.0%
Polk	2	0	2	0.0%
Story	44	36	8	81.8%
Webster	1	1	0	100.0%
TOTAL	67	41	16	76.2%

## Appendix A - SFY 1994 Completion Rates By Program City and County (continued)

County of <u>Action</u>	<u>Cases</u>	Number <u>Completed BEP</u>	Number Terminated <u>From BEP</u>	Percentage <u>Completed BEP</u>
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Program City - Atlantic

Cass	12	9	3	75.0%
Shelby	1	0	1	0.0%
TOTAL	13	9	4	69.2%

Program City - Belle Plaine

Tama	10	7	3	70.0%
TOTAL	10	7	3	70.0%

Program City - Boone

Boone	11	10	1	90.9%
Greene	2	2	0	100.0%
Story	1	1	0	100.0%
TOTAL	14	13	1	92.9%

Program City - Carroll

Buena Vista	1	1	0	100.0%
Calhoun	5	2	3	20.0%
Carroll	12	7	5	58.3%
Crawford	13	9	3 (1 Unk)	69.2%
Greene	3	1	2	33.3%
Hardin	1	0	1	0.0%
Sac	1	1	0	100.0%
Unknown	5	2	3	20.0%
TOTAL	51	23	17 (1 Unk)	45.1%

**Appendix A - SFY 1994 Completion Rates By Program City and County (continued)**

County of	Number	Number Terminated	Percentage
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<u>Action</u>	<u>Cases</u>	<u>Completed BEP</u>	<u>From BEP</u>	<u>Completed BEP</u>
<u>Program City - Cedar Rapids</u>				
Benton	14	12	1 (1 Unk)	85.7%
Black Hawk	1	1	0	100.0%
Buchanan	3	3	0	100.0%
Calhoun	1	1	0	100.0%
Cedar	2	2	0	100.0%
Clayton	1	1	0	100.0%
Delaware	1	1	0	100.0%
Dubuque	1	1	0	100.0%
Iowa	2	1	1	50.0%
Jackson	1	1	0	100.0%
Jefferson	1	1	0	100.0%
Johnson	5	4	1	80.0%
Jones	13	11	1 (1 Unk)	84.6%
Linn	362	202	90 (70 Unk)	55.8%
Muscatine	2	1	1	50.0%
Out of State	1	1	0	100.0%
Unknown	4	2	1 (1 Unk)	50.0%
TOTAL	415	246	96 (73 Unk)	59.3%

Program City - Council Bluffs

Cass	2	1	1	50.0%
Dallas	1	0	1	0.0%
Harrison	3	2	1	66.7%
Mills	4	1	3	25.0%
Polk	1	1	0	100.0%
Pottawattamie	105	45	60	42.9%
Shelby	2	1	1	50.0%
Woodbury	4	3	1	75.0%
Unknown	5	1	4	20.0%
TOTAL	127	55	72	43.3%

**Appendix A - SFY 1994 Completion Rates By Program City and County (continued)**

County of	Number	Number Terminated	Percentage
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<u>Action</u>	<u>Cases</u>	<u>Completed BEP</u>	<u>From BEP</u>	<u>Completed BEP</u>
<u>Program City - Clinton</u>				
Clinton	28	23	4 (1 Unk)	82.1%
Decatur	4	4	0	100.0%
Jackson	2	2	0	100.0%
Shelby	1	1	0	100.0%
Unknown	1	0	0 (1 Unk)	0.0%
TOTAL	36	30	4 (2 Unk)	83.3%
<u>Program City - Coralville</u>				
Iowa	2	1	1	50.0%
Jefferson	1	0	1	0.0%
Johnson	27	7	20	25.9%
Washington	2	0	2	0.0%
Unknown	5	2	3	40.0%
TOTAL	37	10	27	27.0%
<u>Program City - Creston</u>				
Adair	1	0	0 (1 Unk)	0.0%
TOTAL	1	0	0 (1 Unk)	0.0%
<u>Program City - Davenport</u>				
Cedar	2	2	0	100.0%
Clinton	2	0	2	0.0%
Muscatine	6	4	2	66.7%
Polk	1	0	1	0.0%
Scott	111	17	93 (1 Unk)	15.3%
Out of State	10	4	6	40.0%
Unknown	91	4	87	4.4%
TOTAL	223	31	191 (1 Unk)	13.9%

**Appendix A - SFY 1994 Completion Rates By Program City and County (continued)**

<u>County of Action</u>	<u>Cases</u>	<u>Number Completed BEP</u>	<u>Number Terminated From BEP</u>	<u>Percentage Completed BEP</u>
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Program City - Decorah

Allamakee	1	1	0	100.0%
Chickasaw	4	4	0	100.0%
Clayton	2	2	0	100.0%
Fayette	3	2	1	66.7%
Howard	2	1	1	50.0%
Winnebago	1	1	0	100.0%
Winneshiek	4	4	0	100.0%
Unknown	1	1	0	100.0%
TOTAL	18	16	2	88.9%

Program City - Des Moines

Boone	1	1	0	100.0%
Cass	1	1	0	100.0%
Cerro Gordo	1	1	0	100.0%
Clarke	2	2	0	100.0%
Dallas	8	6	2	75.0%
Greene	1	1	0	100.0%
Guthrie	1	1	0	100.0%
Jasper	7	5	2	71.5%
Johnson	1	1	0	100.0%
Linn	1	0	1	0.0%
Lucas	1	0	1	0.0%
Madison	1	1	0	100.0%
Marion	2	1	1	50.0%
Marshall	3	3	0	100.0%
O'Brien	1	1	0	100.0%
Palo Alto	1	1	0	100.0%
Polk	456	318	134 (4 Unk)	69.7%
Pottawattamie	3	1	2	33.3%
Story	1	1	0	100.0%
Warren	10	9	1	90.0%
Webster	2	1	1	50.0%
Unknown	16	4	12	25.0%
TOTAL	521	360	157 (4 Unk)	69.1%

**Appendix A - SFY 1994 Completion Rates By Program City and County (continued)**

County of <u>Action</u>	<u>Cases</u>	Number <u>Completed BEP</u>	Number Terminated <u>From BEP</u>	Percentage <u>Completed BEP</u>
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Program City - Dubuque

Allamakee	1	1	0		100.0%
Buchanan	1	1	0		100.0%
Clayton	3	3	0		100.0%
Delaware	2	2	0		100.0%
Dubuque	141	117	23	(1 Unk)	83.0%
Emmet	1	0	1		0.0%
Grundy	1	1	0		100.0%
Linn	1	1	0		100.0%
Muscatine	1	1	0		100.0%
Woodbury	1	1	0		100.0%
Unknown	7	5	1	(1 Unk)	71.4%
TOTAL	160	133	25	(2 Unk)	83.1%

Program City - Estherville

Dickinson	6	2	4		33.3%
Emmet	4	2	2		50.0%
TOTAL	10	4	6		40.0%

Program City - Fairfield

Henry	1	1	0		100.0%
Jefferson	3	3	0		100.0%
Wapello	1	1	0		100.0%
Unknown	1	0	1		0.0%
TOTAL	6	5	1		83.3%

**Appendix A - SFY 1994 Completion Rates By Program City and County (continued)**

County of	Number	Number Terminated	Percentage
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<u>Action</u>	<u>Cases</u>	<u>Completed BEP</u>	<u>From BEP</u>	<u>Completed BEP</u>
<u>Program City - Fort Dodge</u>				
Buena Vista	1	1	0	100.0%
Calhoun	13	5	8	38.5%
Clay	1	0	1	0.0%
Hamilton	18	16	2	91.0%
Humboldt	10	6	4	60.0%
Pocahontas	6	3	3	50.0%
Polk	1	1	0	100.0%
Webster	73	34	39	46.6%
Wright	5	1	4	20.0%
Unknown	5	2	3	40.0%
TOTAL	133	69	64	51.9%
<u>Program City - Fort Madison</u>				
Henry	1	0	1	0.0%
Lee	21	10	9 (2 Unk)	47.6%
TOTAL	22	10	10 (2 Unk)	45.5%
<u>Program City - Glenwood</u>				
Fremont	1	1	0	100.0%
Mills	7	4	3	57.1%
Pottawattamie	1	1	0	100.0%
TOTAL	9	6	3	66.7%

**Appendix A - SFY 1994 Completion Rates By Program City and County (continued)**

County of	Number	Number Terminated	Percentage
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<u>Action</u>	<u>Cases</u>	<u>Completed BEP</u>	<u>From BEP</u>	<u>Completed BEP</u>
<u>Program City - Iowa City</u>				
Black Hawk	1	0	1	0.0%
Buchanan	1	0	1	0.0%
Cedar	5	2	3	40.0%
Johnson	16	8	8	50.0%
Muscatine	1	0	1	0.0%
Washington	1	0	1	0.0%
Unknown	4	0	4	0.0%
TOTAL	29	10	19	34.5%
<u>Program City - Iowa State Prison</u>				
Pottawattamie	1	1	0	100.0%
TOTAL	1	1	0	100.0%
<u>Program City - Keokuk</u>				
Lee	14	5	4 (5 Unk)	35.7%
Unknown	1	0	0 (1 Unk)	0.0%
TOTAL	15	5	4 (6 Unk)	33.3%
<u>Program City - Knoxville</u>				
Linn	1	1	0	100.0%
Marion	4	3	1	75.0%
Polk	1	0	1	0.0%
TOTAL	6	4	2	66.7%

**Appendix A - SFY 1994 Completion Rates By Program City and County (continued)**

County of	Number	Number Terminated	Percentage
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<u>Action</u>	<u>Cases</u>	<u>Completed BEP</u>	<u>From BEP</u>	<u>Completed BEP</u>
<u>Program City - Malvern</u>				
Cass	2	1	1	50.0%
Mills	1	1	0	100.0%
Pottawattamie	1	1	0	100.0%
TOTAL	4	3	1	75.0%
<u>Program City - Manchester</u>				
Buchanan	1	1	0	100.0%
Delaware	7	5	2	71.4%
Dubuque	3	2	1	75.0%
TOTAL	11	8	3	72.7%
<u>Program City - Marshalltown</u>				
Black Hawk	1	1	0	100.0%
Carroll	2	0	2	0.0%
Hardin	15	8	7	53.3%
Marshall	95	68	27	71.6%
Polk	2	1	1	50.0%
Poweshiek	1	1	0	100.0%
Story	1	1	0	100.0%
Tama	5	5	0	100.0%
Unknown	1	1	0	100.0%
TOTAL	123	86	37	69.9%

**Appendix A - SFY 1994 Completion Rates By Program City and County (continued)**

County of	Number	Number Terminated	Percentage
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<u>Action</u>	<u>Cases</u>	<u>Completed BEP</u>	<u>From BEP</u>	<u>Completed BEP</u>
<u>Program City - Mason City</u>				
Bremer	7	4	1 (2 Unk)	57.1%
Butler	3	1	1 (1 Unk)	33.3%
Cerro Gordo	31	19	2 (10 Unk)	61.3%
Floyd	9	6	2 (1 Unk)	66.7%
Franklin	7	2	1 (4 Unk)	28.6%
Hamilton	1	0	1	0.0%
Hancock	1	1	0	100.0%
Hardin	1	0	1	0.0%
Kossuth	1	0	0 (1 Unk)	0.0%
Mitchell	5	4	1	80.0%
Webster	2	0	2	0.0%
Winnebago	6	2	2 (2 Unk)	33.3%
Worth	3	3	0	100.0%
Wright	1	0	1	0.0%
Out of State	1	0	1	0.0%
Unknown	8	1	7	12.5%
TOTAL	87	43	23 (21 Unk)	49.4%
<u>Program City - Muscatine</u>				
Muscatine	45	16	24 (5 Unk)	35.6%
Unknown	1	0	1	0.0%
TOTAL	46	16	25 (5 Unk)	34.8%
<u>Program City - Oelwein</u>				
Buchanan	15	11	3 (1 Unk)	73.3%
Clayton	3	3	0	100.0%
Fayette	15	13	2	86.7%
Linn	1	1	0	100.0%
Marshall	1	1	0	100.0%
TOTAL	35	29	5 (1 Unk)	82.9%

**Appendix A - SFY 1994 Completion Rates By Program City and County (continued)**

<u>County of Action</u>	<u>Cases</u>	<u>Number Completed BEP</u>	<u>Number Terminated From BEP</u>	<u>Percentage Completed BEP</u>
<u>Program City - Ottumwa</u>				
Adams	2	1	0 (1 Unk)	50.0%
Appanoose	10	6	4	60.0%
Davis	3	1	2	33.3%
Henry	3	3	0	100.0%
Jasper	1	1	0	100.0%
Jefferson	11	9	2	81.8%
Keokuk	7	6	1	85.7%
Mahaska	12	11	1	91.7%
Monroe	11	6	5	54.5%
Van Buren	4	2	2	50.0%
Wapello	56	33	23	58.9%
Washington	1	1	0	100.0%
TOTAL	121	80	40 (1 Unk)	66.2%
<u>Program City - Pella</u>				
Marion	7	4	2 (1 Unk)	57.1%
TOTAL	7	4	2 (1 Unk)	57.1%
<u>Program City - Red Oak</u>				
Audubon	1	1	0	100.0%
Cass	3	3	0	100.0%
Mills	1	1	0	100.0%
Montgomery	4	2	2	50.0%
Page	4	3	1	75.0%
TOTAL	13	10	3	76.9%

#### **Appendix A - SFY 1994 Completion Rates By Program City and County**

County of	Number	Number Terminated	Percentage
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<u>Action</u>	<u>Cases</u>	<u>Completed BEP</u>	<u>From BEP</u>	<u>Completed BEP</u>
<u>Program City - Spencer</u>				
Buena Vista	15	10	5	66.7%
Clay	8	2	6	25.0%
Dickinson	16	5	11	31.3%
Emmet	5	2	3	40.0%
Ida	1	1	0	100.0%
Kossuth	1	1	0	100.0%
O'Brien	2	1	1	50.0%
Osceola	1	0	1	0.0%
Palo Alto	9	5	4	55.6%
Pocahontas	3	1	2	33.3%
Sac	1	1	0	100.0%
Woodbury	3	1	2	33.3%
Unknown	9	3	6	33.3%
TOTAL	74	33	41	44.6%
<u>Program City - Storm Lake</u>				
Buena Vista	22	12	10	54.5%
Cherokee	2	0	2	0.0%
Hamilton	1	0	1	0.0%
Unknown	1	1	0	100.0%
TOTAL	26	13	13	50.0%

**Appendix A - SFY 1994 Completion Rates By Program City and County (continued)**

County of	Number	Number Terminated	Percentage
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<u>Action</u>	<u>Cases</u>	<u>Completed BEP</u>	<u>From BEP</u>	<u>Completed BEP</u>
<u>Program City - Sioux Center</u>				
Lyon	1	0	1	0.0%
O'Brien	3	3	0	100.0%
Osceola	1	1	0	100.0%
Sioux	11	11	0	100.0%
Woodbury	1	1	0	100.0%
Wright	1	1	0	100.0%
Out of State	1	1	0	100.0%
Unknown	3	2	1	66.7%
TOTAL	22	20	2	90.9%
<u>Program City - Sioux City</u>				
Monona	3	1	2	66.7%
O'Brien	1	1	0	100.0%
Plymouth	1	1	0	100.0%
Sioux	2	1	1	50.0%
Woodbury	123	101	22	82.1%
Out of State	5	3	2	60.0%
Unknown	5	5	0	100.0%
TOTAL	140	113	27	80.7%
<u>Program City - Waterloo</u>				
Black Hawk	58	48	9	(1 Unk) 82.8%
Bremer	3	3	0	100.0%
Buchanan	2	2	0	100.0%
Grundy	3	3	0	100.0%
Johnson	1	1	0	100.0%
Unknown	3	2	1	66.7%
TOTAL	70	59	10	(1 Unk) 84.3%